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LEGISLATIVE COUNCIL

Tuesday, 17 September 2013

Legislative Council

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THE PRESIDENT (Hon Barry House) took the chair at 3.00 pm, and read prayers.

CHAMBER BELLS

Statement by President

THE PRESIDENT (Hon Barry House): Members, as you settle into the chamber, we are not totally sure that the bells are ringing successfully throughout the whole building so it is being checked, and I ask you to be vigilant in case you miss the bells.

WESTERN AUSTRALIAN PLANNING COMMISSION — ERIC LUMSDEN — APPOINTMENT

Statement by Minister for Mental Health

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.03 pm]: I am pleased to advise the house that today the Governor in Executive Council approved the appointment of Mr Eric Lumsden as the Chair of the Western Australian Planning Commission for a period of three years. Effective from 5 November 2013, Mr Lumsden will resign from his role as the director general of the Department of Planning and devote his attention to the important role of chair of the WAPC. Mr Lumsden is a very experienced public servant and planner with a strong record of facilitating development in the state and is well qualified to oversee urban, rural and regional land use planning and land development matters.

This is a substantial benefit for the Western Australian planning system, with Mr Lumsden continuing to bring over 40 years of experience in strategic and statutory planning to the position. During his term as director general, Mr Lumsden has overseen a number of initiatives that have fundamentally improved the state's planning system, including the introduction of development assessment panels, the establishment of the Metropolitan Redevelopment Authority and other reforms, and ensuring effective relationships with local governments and the private sector. Mr Lumsden has acted in the role of chair of the WAPC over the past year and will continue to enthusiastically drive the commission on behalf of the state government. Mr Lumsden's resignation as the director general of the Department of Planning, to take up this role, has opened up a sought after senior position for a high-level planning visionary and administrator. The Public Sector Commission will soon begin the recruitment process for the appointment of the director general, Department of Planning, a position in which we expect there to be much local and national interest.

LIVE CATTLE TRANSPORT SHIP — *PEARL OF PARA*

Statement by Minister for Agriculture and Food

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [3.05 pm]: I wish to update the house on progress with the livestock ship *Pearl of Para*, which returned to Perth on Tuesday, 10 September, a week ago, six days into its voyage to Israel. The ship, which has been at anchor off Garden Island, is holding 5 240 Western Australian Brahman–cross cattle from the Gascoyne and Pilbara region. The shipment is by exporter Alan Schmidt of A. H. and R. Schmidt Pty Ltd and the vessel is holding 87 per cent of its livestock capacity.

A propeller shaft coupling was failing about a day and a half into the voyage. The crew recognised the problem and shut down the motor. Although it still had a fully functioning engine, the journey would have been slower and rations could have been stretched. The decision was therefore made to return to Perth to fix the problem. I am assured that the mechanical breakdown is having no impact on the livestock support systems. The welfare of the cattle has been of the highest priority and there have been no mortalities. The cattle have been inspected by both the federal Department of Agriculture, Fisheries and Forestry and the state Department of Agriculture and Food WA, and no animal welfare issues or breaches of the Animal Welfare Act 2002 have been detected.

DAFF has a full manifest, and an Australian-registered veterinarian is on board and reports to DAFF onshore two to three times a day. There are also two stockmen on board and a crew of 30, who have stayed on board the entire time. The average weight of the cattle is between 280 and 300 kilograms. The preferred option from both the animal welfare and biosecurity point of view is for the cattle to remain on the boat while repairs are carried out and supplies replenished. The RSPCA is likely to inspect the cattle tomorrow, subject to operational requirements and time.

The propeller shaft coupling had to be specially manufactured. The part has been taken to the vessel this afternoon to be fitted by two engineers. The Australian Maritime Safety Authority and DAFF are monitoring the progress of the repairs. The exporter expects the repairs to be completed today and, if cleared for voyage, the

vessel can restock provisions and depart Australia tomorrow night or early Thursday for Israel. It is important to note that the vessel is fully compliant with Australian maritime regulatory standards. It holds a full-term Australian Certificate for the Carriage of Livestock issued by the Australian Maritime Safety Authority, the body that controls the standard of vessels licensed to carry Australian livestock.

DISTINGUISHED VISITOR — HON CLIVE GRIFFITHS

THE PRESIDENT (Hon Barry House): I welcome into the President's gallery Hon Clive Griffiths, a former member of this chamber for a mere 32 years and President for 20 years.

PAPERS TABLED

Papers were tabled and ordered to lie upon the table of the house.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 12 September on the following motion moved by Hon Helen Morton (Minister for Mental Health) —

> That pursuant to standing order 68(1), the Legislative Council take note of tabled papers 506A–E (budget papers 2013–14) laid upon the table of the house Thursday, 8 August 2013.

HON RICK MAZZA (Agricultural) [3.09 pm]: Before I commence my budget reply speech, I would like to thank those members who were able to attend the opening of my electorate office last Thursday night. By all accounts it was well received, particularly the wine that was branded "Ladies who Shoot their Lunch"! In view of the menu on offer, I would particularly like to thank the President who had enough faith and trust to bring along the Saskatchewan delegates after attending Government House.

I want to relay a conversation that my wife, Brenda, had with one of the female members of the delegation. She said to my wife that she was surprised that some Australians opposed hunting and fishing. She said that it was quite the opposite where she came from, where hunting and fishing are viewed as perfectly natural pursuits. I feel that that sums up things very well. I will be working to build on that premise to provide recreational opportunities in this state. It must always be remembered that baiting a hook or reloading one's own ammunition is the first step to fine dining.

Unfortunately, I was away on urgent parliamentary business last Thursday morning and missed Hon Lynn MacLaren's non-government business on World Suicide Prevention Day and R U OK? Day. However, I watched the video broadcast yesterday and I want to commend Hon Lynn MacLaren for bringing this very important matter to the attention of the house.

I want to make a brief comment on R U OK? Day. As I did not have time to watch the contributions to the debate made by other members of the house, please forgive me if I say something that has already been covered. Fortunately, I have never suffered from depression. I have had the odd down day and I have worried a lot through some tough times, however I have never felt the profound sadness, isolation or hopelessness experienced by those who battle the black dog. I have to confess that in the past I really did not appreciate the seriousness of depression or its dangerous and ominous partner, suicide. It is not until a family member is in a desperate and dire emotional state that the stark reality of depression strikes home, and unlike a physical injury it is difficult to deal with. Anxiety and depression can affect members of our community from all walks of life—from people who have issues with substance abuse to the great Sir Winston Churchill, who often complained about dealing with his black dog days. Even a past Western Australia Premier stood down citing depression as the culprit. Because it is not always visibly apparent, we rarely acknowledge or give credence to the effects of depression on not only the victim but also their family and friends. I acknowledge organisations such as Lifeline, beyondblue, Black Dog Institute and others for their good work in assisting sufferers and creating public awareness. I also acknowledge the counsellors, psychologists and medical staff who deal with this every single day. It must be emotionally demanding and draining. It is something that I just could not do. I know from personal experience that just simply asking someone who may be suffering from depression, "Are you okay?" and taking the time to listen and care can literally save a life. Again, I commend Hon Lynn MacLaren for bringing up this matter.

Moving on to my budget reply speech, I accept that this has been a challenging budget for the government. Prior to making comments on fishing, marine parks, firearms, the axing of funding to the Law Reform Commission, feral animal control and live exports, I would like to make some brief comments about the Duties Legislation Amendment Bill 2013. I know this bill passed after a marathon sitting, but I feel compelled to speak about it. I accept that the state's economic circumstances have changed and that this requires the government to retain duties on the transfer of non-real assets. I understand that it would be unwise to rip a $120 million hole in this budget. Despite all of this, I want it on the record that I am bitterly disappointed that a promise in 2008 to abolish this tax by 2010, which was deferred to 2013, has now been abandoned by this government. The abolishment of

the tax is a real kick in the teeth for many hardworking business people in this state. We all need to acknowledge that these business people take substantial risks, sacrifice family time, work very long hours and have to deal with changing economic circumstances. Members, it needs to be appreciated that business does not have the luxury of the government to simply put up their prices to cover any shortfalls. If they did so, their customers would go elsewhere and their businesses would go bust. To put some perspective on this issue, I used the duties calculator on the Office of State Revenue's website and I can advise that the general duty rate that would be applied to the transfer of a typical small business having a value of say, $1.25 million dollars—this would be only a family-run newsagency or modest-size restaurant—would be $58 290. This is a substantial impost to put on any small business, particularly when new owners are taking over and cash is a scarce and precious commodity.

I know that there are many in the Western Australia business community who are disappointed, who may have relied on the government's promise to abolish this tax, which, like that other unfair impost payroll tax, is sometimes referred to as a dirty tax. Business purchases, restructures, succession plans and other business modelling and plans of businesses expecting relief from this tax are now uncertain for many. It shakes business confidence when governments promise relief and then take it away. Business, particularly small business, is crucial to our economy, as it employs much of our workforce and drives economic prosperity. Entrepreneurs are people with dreams and hopes prepared to mortgage their homes, work hard, wade through and comply with mountains of bureaucratic red tape and worry a lot. How does the government reward them? It sticks them with a tax. If this duty tax was flagged to be abolished five years ago, I cannot fathom why it could not have been scaled down over a number of years in increments rather than blow a $120 million hole in the annual budget. It was never going to happen. I am disappointed that, at the very least, the bill to abolish the abolishment of duties on non-real assets did not provide for a deferment to another date to keep the scrapping of this tax on the agenda.

I stand here today to support the interests of the more than 740 000 recreational fishers in WA. That is about a third of our population. I place on the record my disappointment with the absence of any election commitment in the budget to restocking. The recent state budget does not deliver on all of the promises made to the fisheries portfolio. Western Australians are amongst the world's best managers of fish stocks. I was alarmed when I read in the budget that there was no funding for restocking. I, the fishing community and, I am sure, Recfishwest are disappointed that this budget did not include the government's $2.4 million commitment towards restocking and we would like assurances that this commitment will be met during the term of this government. This money should be new money. I urge the government, particularly the receptive and commonsense Minister for Fisheries, to not take this money out of the recreational fishing account.

I am also disappointed that the government has failed to follow through on providing any specific funding in the budget for its election commitment to establish an inland fishing and recreation hub at Wellington Dam for the stocking of iconic fish species. I urge the government to develop a recreational fishing initiative similar to those that currently exist in Victoria, New South Wales and Queensland. I urge the government to follow the lead of Victoria in this area. The Victorian recreational initiative has resulted in the government improving fishing opportunities by investing around $16 million over four years. The initiative has been successful in breeding more Murray cod, golden perch and rainbow trout for restocking.

Other projects being delivered under the initiative include improving boat-launching facilities, installing fish-cleaning tables, conducting more public forums for recreational fishers, improving access tracks, improving fish migration by installing fish ladders and removing in-stream barriers, and developing new recreational fisheries through stocking in suitable waterways. The recreational fishing community called on the Standing Committee on Public Administration in its investigation in 2010 to allow access to catchments and water storages, arguing that with modern technology they should be opened and the water treated before entering the reticulated system. The committee found this to be cost-prohibitive. In my view, the example used to argue against this is not reflective of what could be achieved in the Perth hills and south west Western Australia. Inland fishing is a big business in other states and WA is simply missing out.

The only government funding to Wellington Dam I could find in the budget is for the upgrade of the turn-off into Wellington Dam at Collier, stage 1. I urge the government to revisit its election promise. The government needs to appreciate that the recreational fishing community places a high social value on the environment, natural bush settings, rivers, water bodies and catchments. My view is that allowing fishing in water storage dams such as Wellington Dam, which is not a drinking water dam, would provide significant economic benefit to the community and state and local governments. I strongly disagree with the premise that recreational activities in water source areas provide an unacceptable risk to drinking water quality. Recfishwest strongly supports improved access to drinking water sources within the Perth hills and south west for the purpose of recreation. Recfishwest is concerned that many water-based recreational opportunities in the south west of WA are becoming increasingly limited as reduced rainfall is making previously fished areas less suitable for fishing, and freshwater dams are being progressively closed to recreational fishing and brought online as drinking water sources.

We are disappointed that the co-existence of recreational fishing with negotiated restrictions has been actively discriminated against as a policy despite numerous social, economic and environmental benefits. We could learn a great deal from the economic success of Lake Eildon National Park, which is located in the northern foothills of Victoria's central highlands. Local recreation and tourism industries have developed around Lake Eildon, and the significant economic and social benefits to the local regions can and should be replicated in Western Australia. As an example, the Victorian government, to its credit, recognises the benefits resulting from the well-managed trout fisheries. Inland anglers spend more than $170 million a year pursuing trout, redfin and native inland species such as Murray cod and golden perch. Western Australia could capitalise on similar programs and build on the many recreational opportunities and benefits.

I would like to briefly discuss the inclusion of fish frames and wings in the finfish possession limits under the Fish Resources Management Regulations 1995. Recfishwest supports the omission of fish heads, tails and wings from the fillet weight possession limit. This will encourage people to use all the fish and reduce wastage. I would like to see the government exclude frames from which fillets are taken in the 20-kilogram possession limit. I argue strongly that the exclusion of frames and wings has no negative impact on the environment or on fish numbers, and the positives are that some fishers may be satisfied with less than the limit of fillets if the fish frames and wings were excluded from the possession limits. Once the esky is full, a person may stop fishing rather than keep fishing until the esky is full of fillets. This change negates the waste of throwing away secondary cuts, which could have a positive effect on fish stocks. I am certain that members in this chamber are well aware of the health, nutritional and cultural value of this valuable food source.

I am encouraged by the current fisheries minister and his attitude to his portfolio; I will discuss this issue with him soon. Australia has one of the largest marine estates in the world; it represents a greater proportion of our territory than the land mass of our continent. This situation is the result of successive state and federal government policy being dictated by fear and grossly exaggerated narratives based on the so-called scary problem of recreational and commercial fishers. Many of the decisions are made by politicians and bureaucrats behind closed doors; they are highly political and rarely involve stakeholder consultation. The designation of some areas as off limits has created a debate that continues to divide Australians to the extent that we are now. The level to which marine environments should be protected is a major issue in Australian politics. Many see the closure to fishing as an infringement on the rights of Australians. No-one would argue that marine environments should not be protected by sound management initiatives, but I would argue that potentially conflicting sets of expectations and motivations can lie behind these apparent common tendencies.

Much of the controversy surrounding marine protected areas stems from the confusion about their primary role. What is their purpose towards conserving biodiversity? I place on record my view that marine parks are a feel-good move by governments that make people feel like the environment is being protected, but at what cost to the taxpayer? Governments are entrusted to manage and protect marine environments in ways that will address these diverse expectations and interpretations of value, but again at what cost and what benefit to the taxpayers of Western Australia?

Earlier this year, the environment minister, Bill Marmion, announced that he had finalised plans for a 200 000-hectare marine park at Eighty Mile Beach, south of Broome. The marine park extends for about 30 kilometres west of Cape Keraudren in the south to 10 kilometres south of Cape Missiessy in the north east. The park is the first of six planned Kimberley marine parks to be formally gazetted. The minister stated in a press release, dated 29 January 2013, that $5.3 million across four years has been committed to the Department of Environment and Conservation and the Department of Fisheries for establishing and managing the Eighty Mile Beach Marine Park, with ongoing funding of $1.4 million a year from 2014–15. The government has allocated $720 000 in its 2013–14 budget for the new works proposed for Camden Sound and Eighty Mile Beach Marine Parks and nothing in the forward estimates. On 14 August, I asked the relevant minister in this house a question on the Eighty Mile Beach Marine Park. I asked for the number of full-time equivalent positions for staff employed in the marine park, the annual cost of accommodation for staff in relation to the marine park, the annual cost for the provision of marine craft and vehicles, and for key performance indicators. I was advised that the allocation of the budget and associated staff arrangements for Eighty Mile Beach had not been finalised for this financial year and were the subject of current negotiations with traditional owners for the development of Indigenous land-use agreements for the marine park. The minister advised that the key performance indicators for Eighty Mile Beach will be contained within the management plan for the park, which is currently being finalised.

I am astounded, but I probably should not be, that the government would announce the establishment of a marine park without a management plan or indicative costs. My view is that the taxpayers of Western Australia have a right to know not only the cost of the marine park, but what they are getting for their money. In 2012, the South Australian Marine Parks Management Alliance commissioned independent costings of its government's plan to set up and manage 19 marine marks and found that it cost over $100 million over five years. In 2010, the University of Canberra's Emeritus Professor, Robert Kearney, stated that $30 million spent over three years by the New South Wales government on marine parks would have been better used addressing the real issues

impacting on fish stocks, in light of the fact that it had failed to conserve fish numbers. As I mentioned earlier, the Western Australian Department of Fisheries is among the world's best-practice managers of fish stocks and the marine environment. Taxpayers' dollars would be far better spent on developing research and management of our fisheries rather than being wasted in bloated bureaucratic marine park management.

I would be doing my loyal supporters a disservice if I did not again place on record my strong opposition to the recent increases in firearms licensing fees, with charges up to 134 per cent higher. Since the fee rises were announced, my office has been inundated, as I am sure other members' offices have been, with complaints from disgruntled and despairing gun owners. These increases have angered and outraged gun owners, farmers, dealers and club officials, who probably would not mind a fee increase if they were given anything like a decent and efficient service. Legitimate and law-abiding gun owners understand the need to increase fees and charges in line with the consumer price index, but this is clearly a government cash grab. Gun owners understand the concept of cost recovery and the importance of maintaining a reliable register, but we do not have value for money. It is appalling that the increases in charges coincide with the release of a report by the Auditor General that identified numerous weaknesses in the register and stated, "We have no confidence in the accuracy of basic information." The system is broken and now the public is expected to pay top dollar for a substandard service.

In light of this damning report by the Auditor General, legitimate firearms owners are entitled to an explanation of this incredible price hike because they are bearing the costs of an unreliable and inaccurate register. The firearms register is totally unreliable and has been for half a decade now. There is still no commitment, either from state government or police, about when this problem will be rectified. The highest increase in charges relates to the licensing of additional firearms on existing licenses. That fee has increased from $72.50 to $169.50, plus the requirement for a serviceability certificate for which dealers, at commercial rates, could charge anywhere from $30 to $100. In contrast, New South Wales and Victoria's fees are $40 and $9.20 respectively for the same service.

Because shooting is largely a social activity, gun owners are among the keenest to ensure that only responsible persons are licensed. Once applicants have met the initial requirements for a licence, applications for additions should be scrutinised only for subsequent criminal behaviour or violence restraining orders. The only response the police could come up with in light of the Auditor General's damning findings was a firearms amnesty. In my mind, that would be a Clayton's amnesty. An article published in the official police newsletter states that the person handing in the item can do so without fear of prosecution provided the items have not been used in the commitment of an offence. I am not quite sure what would constitute an offence—maybe even firing that particular unlicensed firearm could be an offence or the firearm is not recorded as lost or stolen and the person handing it in can give a reasonable account of how they came to be in possession of it. Our big concern with this is that it will discourage many people from handing in the firearm for fear of prosecution. These conditions are not unlike police policy at any time outside the amnesty period. We really should consider whether the amnesty announcement will improve public safety, remove illegal firearms from the community or improve the integrity of the WA firearms registry.

How much will the amnesty cost? We do not know. A cynic could say that the amnesty is simply a public relations exercise or a smokescreen to distract attention from the adverse Auditor General's report, and the fee hike. A side effect of these excessive fees and an inefficient system is the impact on the many small businesses that rely on firearms sales. No-one ever really thinks about those small businesses. They are small businesses like any other small business that rely on sales and cash flow. They are hardworking small business owners who probably have their house mortgaged to the bank through business loans. When there are changes such as these fee hikes or procedures, it is often small business people who suffer immeasurable damage to their business. Not very many businesses can have their cash flow choked off for many months while people wait for their additional firearms application to go through. Not many people spare a thought for them, but there are lots of those small businesses throughout Western Australia.

The final issue I would like to voice my opposition to, in light of the Minister for Police's announcement of a review of the Firearms Act by the Law Reform Commission of Western Australia, is the axing of funding to the commission. Funding to the commission will be axed next year. That key research body will be obliged to rely on the resources of the Department of the Attorney General. The commission is set to lose annual funding of $833 000, which will undoubtedly affect its independence and research capability. I hope the government does not decide to postpone or reverse its decision to review the Firearms Act in a fair and equitable manner.

I am a strong advocate for feral animal control for both environmental and agricultural management. I have discussed, and will continue to discuss this issue, with the Minister for Agriculture and Food and support him in his quest to introduce bounties. I am on the public record calling on the Barnett government to introduce a fox and wild dog bounty in Western Australia, similar to the system in Victoria. Foxes and wild dogs are particularly vicious. They prey on vulnerable livestock such as newborn lambs and calves, and consume large quantities of our native wildlife. We should follow the lead of Victoria and recognise the destructive impact foxes and wild dogs have on livestock and native wildlife in Western Australia by introducing a bounty. The Barnett

government can immediately act to reduce not only the financial burden on farmers but also the distress caused by finding animals suffering or dead after being mauled by wild dogs. Early this year, the Victorian government doubled its bounty on wild dog scalps from $50 to $100. The bounty on foxes remains at $10. That provided an additional incentive for hunters of all ages to assist in eradicating these destructive pests.

I was pleased to read an article in *The Weekly Times* dated 31 July 2013 titled "Wild dog scalps doubled". The article declares that the number of wild dog pelts handed in to the Victorian government has almost doubled since January. Since dog bounty increases, the number of fox scalps has jumped by 50 000 since April to 200 064. Ballarat and Bendigo in Victoria remain the areas where most fox scalps were handed in, with 27 317 and 29 652 respectively. The section of the article that I was most impressed with was Broadford teenager Alicia Kurtz who presented 1 165 fox scalps for a reward of $11 650. The 16-year-old is saving for her first car.

A recent article published in the *Australian Veterinary Journal* examined the influence of wild dogs on sheep distribution in Australia and found that production of wool and sheep meat was predicted to disappear within 30 to 40 years.

Hon Col Holt: Does the member have any statistics on whether the taking of that number of foxes has an environmental effect on native animals or sheep numbers, or anything like that?

Hon RICK MAZZA: I do not have that information to hand.

The Victorian government's $4 million bounty scheme was introduced in October 2011. So far, it has resulted in over 700 wild dog scalps and more than 200 000 fox scalps. The bounty would complement the culling programs already undertaken by the Department of Agriculture and Food, which includes the employment of doggers, the upgrade and extension of the state barrier fence, and working in partnership with community groups to adopt best-on-ground practices in eradicating these pests.

Finally, I commend the government for the Department of Agriculture and Food's budget in 2013–14, which includes royalties for regions funding of $297 million over four years for "Seizing the opportunity", which is the National's policy for agriculture. It has identified building on export market opportunities, such as the Brand WA initiative and facilitating Asian marketing research and access, which includes the live export market, as a priority. This has a direct benefit for farmers who take up export market opportunities.

Prior to concluding my speech today, I place on record my support for the expansion of the live export trade and my support for those farmers doing it tough as a result of the federal government's knee-jerk reaction to the disturbing images emanating from other countries. The live export industry is a significant component of Australia's growing and vital livestock industry. Our farmers, particularly our Western Australian farmers, are some of the world's best practice people in animal welfare and management. There have been issues at ports of destination, but we have to understand that restricting export of livestock to those countries will do very, very little for the welfare of those animals. Those countries still need protein and if we do not supply livestock to them, there are another 109 countries that will. It behoves Western Australia and Australia to develop those markets. As a nation we can influence and improve animal welfare in other countries, rather than cut our nose off to spite our face through restricting export to those countries.

The live export industry is a significant component of Australia's vital livestock industry. In 2009, the live export sector earned $996.5 million, nearly $1 billion, and contributed to the employment of 10 000 people. I support the investment in overseas trade. The future of the sector in Western Australia is reliant on the success of the export market. I support the development of a strategy that targets new and existing markets in Asia and the Gulf states over this government's term to increase investment in Western Australian agriculture and export sales of local produce—an example is the expansion of new supply chains for live cattle outside of Indonesia. I thank you, Mr President, and fellow members for the opportunity to speak and for your patience during my first speech in response to a budget.

HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary) [3.42 pm]: I congratulate Hon Rick Mazza for his speech as it is the second one he has given in this house. In response to the 2013–14 budget, I take this opportunity to talk about what happened a couple of weekends ago at the federal election. I congratulate the coalition on a fantastic win. Nationally, the Liberal Party recorded its highest two-party preferred vote in Western Australia at 57.2 per cent. It is fantastic to see the coalition coming together and performing so well across the country, particularly in WA. It is a 1.26 per cent improvement from the 2010 election. I applaud our new Prime Minister–elect Hon Tony Abbott on the tremendous campaign he and his team led. I believe the big day is tomorrow when they will be sworn in. I look forward to seeing the new cabinet take their places on the front bench in the federal Parliament.

In WA, however, the Labor Party recorded its lowest primary vote of all states and territories at 28.84 per cent. This is the lowest primary vote ever recorded for the Labor Party by percentage share in WA's history. The only election that came anywhere close was in 1977, but even back then Labor's vote was slightly higher at

32.56 per cent. Compared with the rest of the nation, the ALP in WA recorded its lowest two-party preferred vote with the ALP holding only three of the 15 seats in WA.

Congratulations to our coalition team, especially to all our members who have held their seats, and for getting one back in O'Connor. It was wonderful to see a great result a couple of Saturdays ago. It certainly made getting up on a wet and windy day very worthwhile.

I will stay on the federal election for a couple more moments to congratulate personally the members whom I work with in the East Metropolitan Region. Ken Wyatt, the member for Hasluck, has made history twice. The first time was when he became the first Aboriginal elected to the federal Parliament —

Hon Peter Katsambanis: House of Representatives.

Hon ALYSSA HAYDEN: Sorry, he was the first Aboriginal elected to the House of Representatives. The second time he made history was when he became the first member to ever hold the seat of Hasluck back to back. Since its inception in 2001, we have never had the same member, no matter what party they are from, able to hold that seat back to back.

Hon Jim Chown: Did his margin improve?

Hon ALYSSA HAYDEN: Yes, it did. I am glad Hon Jim Chown asked. His margin improved to four per cent.

Hon Jim Chown: So it is no longer marginal.

Hon ALYSSA HAYDEN: It is no longer the most marginal seat in the country because Ken is such a hardworking and grassroots member of Parliament.

Hon Jim Chown: He is an outstanding member of Parliament.

Hon ALYSSA HAYDEN: He is. He gets out there and takes the time to meet everyone in his community. He has set up many community groups and meets with them regularly. He has set up groups to clean up the creeks and keep the national parks clean, friendship groups and groups of all kinds on all different issues across his electorate. He is the man of the people for the people. They rewarded him for his hard work and dedication to his community with a fantastic swing by re-electing him to the seat of Hasluck back to back.

It is a great honour to work with Ken. The biggest thing that I personally got out of the federal election was when Tony Abbott and Ken Wyatt decided to back my number one project—I am sure someone else thinks they are more important about this project, but as far as I am concerned, it is my project—that is, the Perth–Darwin highway. The federal government announced that of the $1.3 billion that it will spend on major road projects in Perth, $615 million will be put towards the Perth–Darwin highway project. For those who have had to sit here and listen to me time and again, I will never apologise for repeating my story on the Perth–Darwin highway. It is a vital link between the metropolitan and regional areas. It is vital to our fantastic tourism destination of the Swan Valley that we get more trucks out of the Swan Valley and on to a safer route. It is important for not only the people who use the Great Northern Highway and visit the Swan Valley, but also the truck drivers. They deserve to have a safer route to get out of town and the hustle and bustle of the metropolitan traffic. Coming off the Tonkin Highway and going through the back of Ellenbrook through to Muchea, the Perth–Darwin highway will give truck drivers a safe route. To have Tony Abbott and Ken Wyatt give us $615 million is absolutely tremendous. I am not the Treasurer, but I believe it will fully cover the cost of that part going through to Muchea and, hopefully, it will put more pressure on our Minister for Transport. We have the money, so let us get on with it and get going. I know the people of the East Metropolitan Region want to see it started. Ken and our newly elected member for Pearce, Hon Christian Porter, will make sure that we get that $615 million sent to WA so that we can get —

Hon Ken Travers: They cut road funding in the member for Pearce's electorate.

Hon ALYSSA HAYDEN: They have not cut the $615 million for the Perth–Darwin highway.

Hon Ken Travers interjected.

Hon ALYSSA HAYDEN: Has Hon Ken Travers given his speech on the budget? I think he has. It was not memorable, but I will continue with mine. Ken Wyatt and new federal member Hon Christian Porter will make sure that we get that $615 million allocated for the Perth–Darwin highway. I was delighted to see Hon Christian Porter take his seat as the new member for Pearce.

Hon Darren West: He had a 0.8 per cent swing against him!

Hon ALYSSA HAYDEN: Would Hon Darren West like me to talk about swings? I am more than happy to!

Several members interjected.

The PRESIDENT: Order! One at a time!

Hon ALYSSA HAYDEN: In case the honourable member missed what I said earlier, I will go back to the beginning of my speech. I congratulated the coalition on its fantastic win at the federal election with the highest two-party preferred percentage on record of 57.2 per cent. At the same time, the Labor Party in WA recorded the lowest ever two-party preferred percentage for states and territories, at only 28.84 per cent. For the member's information, the Labor Party had not scored that low since 1977, and even then the percentage was a lot higher, at 32.56 per cent. If the member wants to talk about who lost what percentage, I am sure all members on this side of the chamber will be happy to stand up and let him know how the Labor Party went!

Point of Order

Hon STEPHEN DAWSON: Mr President, I draw your attention to standing order 47 which relates to irrelevant or repetitious debate. I believe I have heard the member quote these figures previously.

The PRESIDENT: It is a general debate and in that sense members are entitled to range across a whole range of issues. The member was making some comments about the federal election and they sounded to be in perfect order to me.

Debate Resumed

Hon ALYSSA HAYDEN: Thank you, Mr President, for your intelligent decision on that point of order.

As I was saying, we are debating a motion on the estimates of revenue and expenditure, which links to money. I was talking about how the coalition gave a commitment of $615 million to roads during the election campaign.

Hon Stephen Dawson: I was talking about you repeating yourself!

Hon ALYSSA HAYDEN: That was for the benefit of members opposite, because they had obviously forgotten or had not heard what I said, or they had just walked into the chamber. Anyway, I did say that I would repeat myself, so I suggest that the member sits in this place for a little longer so he can learn.

Hon Christian Porter is a fantastic member and I welcome him to the East Metropolitan Region. As we all know from his time in the WA Parliament, he was an excellent Attorney General and Treasurer. He threw his hat in for federal preselection, wanting to follow a dream to enter the federal arena. I am so pleased and glad that he was able to fulfil his dream. I am very pleased to have him represent the east metropolitan area in the federal Parliament.

Hon Jim Chown: What an asset he will be too!

Hon ALYSSA HAYDEN: He will be a fantastic asset for the people out there. He will make sure their voices are heard in Canberra, along with the other 14 coalition members who were elected to represent Western Australia. WA will have its fair share of representation in Canberra. I know that Ken Wyatt and Christian Porter, along with a few others members from the East Metropolitan Region who were re-elected to the federal Parliament will also look after electors in the East Metropolitan Region. They are, of course, Luke Simpkins, Steve Irons, Don Randall and Michael Keenan. We have a great federal team in the East Metropolitan Region.

I also take this opportunity to acknowledge three personal friends who retired at the federal election. These people put their hearts and souls into their roles as federal members. The first one is Senator Alan Eggleston or as everyone calls him, "Eggie". He is a legend in rural WA. In the north, Eggie cannot go anywhere without people recognising him, and stopping and pulling him over to have a catch-up. Alan Eggleston provided a fantastic service to people in the north. Most people there know him either because he helped them with their issues or he delivered them or their baby. As either a rural doctor or rural member, he has affected many people's lives in the north. I know he will be greatly missed. I also know we will not be able to tear the man away from assisting the community. It is in his blood and he will continue to do so.

Also in the north was a larger-than-life personality, Barry Haase. Known for his hat, booming voice and sense of humour, Barry was also highly regarded in the then seat of Kalgoorlie. After boundary changes, it became the seat of Durack. When Barry decided to retire I said, "Why are you leaving now when it is pretty evident the coalition is going to have a win at the election?" His response to me in his typical way was, "You're better off leaving while they are still asking you to stay!" That is something I will try to keep in the back of my mind if I am lucky enough to be here a little longer—or maybe too long!

Several members interjected.

Hon ALYSSA HAYDEN: When the demand is so high, especially from members on the other side, I know I must do my duty and stay!

What a great attitude to have. Although Barry has left federal politics, I know his famous hat is still hanging on the backdoor waiting for his next trip up north.

Last, but certainly not least, is a very good friend of mine whom I had the opportunity to know well before either of us entered politics—Judi Moylan. I first met Judi Moylan when she became president of the Midland and

Districts Chamber of Commerce. That was a long time ago! Judi was a businesswoman, owning and running Judi Moylan Real Estate. I also had an opportunity to work with Judi for a short time in her real estate business. I have never stopped looking up to Judi Moylan. She has never faltered in her aspirations or from standing her moral ground. She stands up for what she believes, no matter the fallout or the consequences. She stays true to her heart and her beliefs. Regardless of whether people agreed or disagreed with her on issues, they always knew that this woman was very worthy of the position she held and would always do the best for her constituency. I have never met someone who has been as professional and as compassionate, all at the same time. If I can demonstrate any of her qualities during my time in this Parliament, I would be very pleased and proud to know I am living up to the role I am honoured to do in this place. I acknowledge all three of those members and the hard work and dedication they have given to their communities over their many years of service. I wish Alan, Barry and Judi a very rewarding and, I hope, relaxing retirement. But I know none of them will disappear into the ether. They will always continue to work for their community because, as I said about Alan Eggleston, it is in their blood.

Before I wrap up on the federal election, I would also like to thank the many dedicated volunteers across the country who year in, year out turn out to support candidates by manning booths, towing trailers and putting up signage all around electorates. No matter what side of politics we come from, putting up your hand to be a candidate is a very difficult thing to do. However, what makes it that little easier is having so many volunteers behind us. I know all parties have volunteers.

Hon Col Holt interjected.

Hon ALYSSA HAYDEN: The major political parties have a lot of volunteers. I acknowledge all the people who give up their time.

Hon Helen Morton: I believe some of the major parties paid people to be there on polling day.

Hon ALYSSA HAYDEN: That would be a sad occasion, Hon Helen Morton, if that is the case. I would hate to think people are paid to hand out how-to-vote cards. What is wonderful about the volunteers who represent our party is that they do it because it is what they believe in. It is also important to advertise people's choices. I commend those people for standing up for their beliefs and giving up their time to put forward their beliefs and the changes they want to see happen. It is easy for people to sit down and whinge in our ears about politics, but unless they get up and do something about it, it is pointless. On behalf of all the candidates they represented, I thank all the volunteers who turned up and helped throughout the whole election.

Speaking about volunteers leads me to a fantastic organisation—that is, the St John Ambulance. As members of Parliament, we all get the opportunity to deliver and present Lotterywest grants to lucky recipients. Every member of this house would know and appreciate the fantastic work of Lotterywest, which believes in helping the community, and the people who deserve it most receive Lotterywest grants to fulfil whatever be their mantra. Every time I buy a lotto ticket and I lose, I know the money goes to a worthy cause

Hon Jim Chown: Is that the reason you buy them?

Hon ALYSSA HAYDEN: That is the only reason I buy them, Hon Jim Chown! It is my way of donating to the community.

Hon Simon O'Brien: You should claim it as a tax deduction, then.

Hon ALYSSA HAYDEN: Yes! I congratulate Lotterywest on the fantastic work it does. When we are due to hand out those cheques, my office normally rings the lucky recipients to tell them we would like to present them and we ask whether the people who are to receive the money could be there, because it is nice to hand over cheques to the people who benefit from them. Normally, between 10 or, on a good day, 30 people turn up. They are often presented in a board room or the foyer of a business organisation, and we stand around having morning tea. However, when my office contacted St John Ambulance and suggested that a few volunteers would benefit from the funding attend, it was a huge surprise when I walked into the Perth Convention Centre to present the cheque to find 600-plus volunteers in attendance. On that day, St John Ambulance was conducting its annual training conference, and thought that a good way to present the cheque would be to have all of the people who were to be the recipients of the money present so that they knew where the money came from.

Hon Jim Chown: How much was the cheque?

Hon ALYSSA HAYDEN: I was going to get to that, but I will jump forward for Hon Jim Chown. The cheque was for just under $1.23 million. It is a lot of money for St John Ambulance. It was fantastic to present that cheque to over 600 people and it made me feel very humble. We do some amazing and diverse things in this job, but it was the highlight of my week to see so many happy people in that room recognised as a worthy cause receive $1.23 million. The exact figure of that cheque was $1 255 979 given as block funding to St John Ambulance.

St John Ambulance has more than 4 500 dedicated volunteers who, it is estimated, do more than three million hours of service each year. Whenever members see a St John Ambulance they should toot their horn or tip their hat because these people are amazing and are dedicated to serving the community. These volunteers do most of their work in regional WA—the area that needs most assistance. The Lotterywest grant will help St John Ambulance buy new ambulances and provide medical and training equipment for Cue, Perenjori, Sandstone, Kondinin, Hyden, Wickepin and Wyalkatchem. It will also be used to upgrade facilities in Wickham, Chapman Valley, Perenjori and Ravensthorpe, and help supply and install 50 mobile data terminals in volunteer ambulances across the state. Mobile data terminals will replace mobile phones, because mobile phone coverage is not always 100 per cent in country WA, and it is wonderful that these ambulances will be able to communicate in mobile phone black spots. As I said, the work of St John Ambulance covers every corner of our state, from Wyndham to Kununurra to Eucla and everywhere in between. Its 4 500 volunteers are heroes in our community and regions, and I congratulate and thank them for everything they have done to help the communities of regional WA.

It is an honour to work with the Minister for Health, Dr Kim Hames, in my role as parliamentary secretary for health. The man is well across his portfolio. As someone who is not a doctor or nurse, it is a task to keep up with him in a lot of meetings. The Department of Health could have its own dictionary just for acronyms. I cannot pretend to know them all because there are way too many. What I do love about the portfolio of health is that a new hospital is being built in Midland. As a member for East Metropolitan Region, that new hospital will be fantastic for Midland and its surrounding suburbs. It has been over 50 years since a new hospital has been built in the region, and the people of the area deserve a brand-new hospital, with new facilities and extra beds. The hospital will provide 307 beds, 114 more than the current Swan District Hospital Campus.

In August, Hon Donna Faragher, the minister and I went to the construction site of the Midland Health Campus to celebrate its first birthday. It was fantastic. We were up on the rooftop of the completed fifth storey southern clinic block, which will be the highest building in Midland. There is a great view from there, and if it were not going to be a hospital, it would be a fantastic site for a bar—but that suggestion is a bit inappropriate! We have fantastic bars on the rooftops of buildings in Perth, and there will be fantastic views of the East Metropolitan Region from that hospital—but being on top of a hospital, a bar is perhaps not that appropriate. However, it was fantastic to see the construction well underway with many cranes in Midland and concrete being poured. The buzz around Midland is amazing. The people of the East Metropolitan Region are looking forward to a brand-new facility, as is the business community of Midland and surrounding areas. They know that with a new hospital, foot and customer traffic will increase. As I have said in this place many times, Midland is the centre of the universe, and it is a growing, redeveloping centre.

Hon Simon O'Brien: It used to be Armadale.

Hon ALYSSA HAYDEN: My constituents in Armadale think Armadale is the centre of the universe, and I have to agree with them also. However, at the moment, Midland is the centre of the universe, with its new Midland hospital. We are also fighting for a new Midland university. It is projects like the new hospital, the new university and upgrades of Governor Stirling High School that are assisting and helping to revitalise Midland. In its heyday, Midland Junction was a fantastic centre. The hustle and bustle is coming back. As I said, the after-five foot traffic has increased, cafes and restaurants are staying open and Midland is the place to watch people. If members have not had a coffee there, I encourage them to do so.

The best part about the hospital, other than assisting with revitalising the area and providing the good people of that region with new facilities, is that the hospital is on track. It is fantastic to see the construction of a facility that size on track.

Hon Jim Chown interjected.

Hon ALYSSA HAYDEN: No, it is on track. At one point St John of God was worried that it may be finished too early and everything would not line up on the time schedule, but it is on track and within its budget of $362 million, which is jointly funded by the state and federal governments. As I said, it will have 370 beds, which is an increase of a third on top of the current capacity of Swan District Hospital. When opened, this hospital will treat around 29 000 patients, which is a huge volume of people coming through a hospital. Obviously, it will make people's lives a lot easier not having to travel into the city or Joondalup to get to hospital. They will be able to get to a hospital a lot closer to home. The hospital will also bring new services to the region such as chemotherapy, high-dependency care and coronary care. In addition to all of this—my favourite part—on the internet right now images of the construction site of the Midland hospital are updated every 15 minutes. Next time members are on the internet looking for something to do, I encourage them to go to www.midlandhospitals.org.au and see the image of the construction site updated every 15 minutes. The Midland hospital is included in the state government's overall $7 billion hospital building and refurbishment program, and also included is $2 billion for the Fiona Stanley Hospital, $1.2 billion for the new children's hospital project and money allocated for major expansions to Joondalup Health Campus, Armadale Health Service and facilities across regional WA.

I will quickly touch on Fiona Stanley Hospital. The construction of the $2 billion Fiona Stanley Hospital is more than 95 per cent complete. Just the other week the helipad was tested. It is an 80-tonne helipad. The helicopter landed on the helipad. It was fantastic that seniors in the hospital said that they could only slightly hear and detect the landing of the helicopter over the hum of the air-conditioner. That just shows that modern technology in new buildings not only offers fantastic facilities and services, but obviously the acoustics are far better to be able to have a helicopter land on the roof of the hospital —

Hon Jim Chown: I think the corridor has been double glazed for that purpose.

Hon ALYSSA HAYDEN: That is right, exactly. That is what I am saying: the modern technology available to build the hospital enables a better facility for the patients—it is not only the facility itself, but also the peace and quiet that patients feel in it. Unfortunately, I was not able to be at the landing of the helicopter, but the minister was. He came back with a big grin on his face because, like all boys and their toys, he likes seeing big machines. It was a great success and I congratulate the builders of Fiona Stanley Hospital. Fiona Stanley Hospital's emergency department will treat about 88 000 patients a year, which is one patient every four minutes. For those of us who do not frequent an emergency department or who have never worked in one, a new patient coming through the door every four minutes amounts to a lot of work and I would like to put on record my congratulations and the fact that I think very highly of the people who work in emergency departments for the work they do. For the first time in WA the general emergency department will be separated from the paediatric area, including the clinical and the public areas, to provide greater comfort and security for children and families. The scale of this hospital is difficult to picture. It will include 6 300 rooms, 4 400 timber doors, 36 000 light fittings and 100 kilometres of power and lighting cables. That is a lot of material to go into a building, so when people discuss hospitals and whether they are being built fast enough, they need to stop and remember how much work is involved and how big that project is.

The new children's hospital is another project being funded and put together by this state government. That project is progressing very well. There has been a great deal of news in the paper about this hospital and I would like to put on record that 70 per cent of the hospital rooms are single rooms and it will have at least 274 beds. It is on track to be completed in 2015 and each room will have a specifically designed couch so parents can sleep in the rooms with their kids. I think everyone in this place understands how important that is. When a child is sick, parents do not want to leave them and have to go elsewhere; they want to stay in the hospital with them.

An allocation for the Southern Inland Health Initiative is also part of this budget, and $565 million is being invested into regional health care in WA. That is the biggest increase in services of this kind in WA's history. The project is set to improve hospital infrastructure across the region, and has already helped attract 27 new general practitioners to the regional areas of WA.

The Midland public hospital, Fiona Stanley Hospital, the new children's hospital and the Southern Inland Health Initiative are just the headline acts of the state government's infrastructure investment. There are also a number of allocations for other health projects in the state budget and they include $224 million for Joondalup Health Campus, $207 million for Karratha health campus, $120.3 million for Busselton health campus, $58.9 million to the Kalgoorlie health campus redevelopment and $161 million in new funding for the North West Health Initiative.

Moving on from my role as Parliamentary Secretary to the Minister for Health, I would like to share with members in the chamber today my account of an event I went to on Friday, 6 September. I was very lucky to go to Middle Swan Primary School, representing the Premier, to launch the ReadLearnSucceed program. The ReadLearnSucceed campaign is when school teachers, year 1 students and representatives from program partners outside the normal school come together to help to improve the teaching of reading, learning, singing and playing to children as young as newborns. The biggest part of it is encouraging parents to get involved in teaching children from the day they are born—knowing that children's brains grow at their fastest rate until they are three years old—to let those children absorb as much as possible and to help parents understand that and start teaching their children right from the very beginning. The program partners assisting in ReadLearnSucceed are United Way WA, Community Links and Networks Midland and the Dyslexia–SPELD Foundation. I believe the success of this campaign is due to the fact that there are so many partnerships involved in it—as I said, teachers, students and the private partners, but more importantly, parents. In a little bushland part of the school a play area has been set up. There are objects hanging from trees and plants with pictures on them, and parents are encouraged to bring their children there, whether they go to the school or not, and to walk with them through the park area and tot tell them stories. There are cheat sheets for the parents on the plaques in the park. There are pictures of a big person and a little person and children are supposed to spot the difference. On the back of the plaque are dot points so parents can check answers and assist in teaching children, because there are a couple of curly ones there! It is a wonderful way to get kids outdoors. The park is in Stratton and it is a beautiful little area of natural Australian bushland that was left by developers. It is a fantastic way for kids to be out there learning. We all need to remember that every child learns at a different rate and is inspired by different things. This program enables teachers to tailor it to suit the needs of the children in their classrooms. When I went to school

that was not the case; there was a set curriculum that was followed. If a child did not learn that way or did not catch on as quickly, it was too bad, too sad. This program will enable teachers to tailor their lessons. When we teach our children reading basics it makes a huge difference to their future lives. I commend the teachers, the principal and the community partners involved with Middle Swan Primary School for their commitment to the children of their school. If we all get involved in supporting our children to learn how to read and how to play and sing, down the track, our community will be much better for it. Part of the program was Red the Super Reading Roo, which was about a big kangaroo that had an egg. Before the launch the egg was put in different places around the school and the students would have to read or sing to the egg. As they did the egg grew, and at the launch, Red the Super Reading Roo appeared to be reunited with his egg. It was lovely to see the children thrilled and enthusiastic, dressed up in their superhero costumes. We could see the children's engagement as they read to the egg and it grew so that Red the Super Reading Roo would be reunited with his egg. As I said, that sort of activity engages children and stimulates their imagination, and our children have great imaginations. We need to encourage them and help them in that way. As I said, congratulations to Middle Swan Primary School and all those involved in the ReadLearnSucceed campaign.

As well as being parliamentary secretary for health I also have the fantastic honour of being parliamentary secretary for tourism. I wish to share with the house a number of key allocations in this state budget to Tourism WA. There is $9 million over three years for additional tourism marketing, $330 000 for the Western Australian Indigenous Tourism Operators Council, $90 million over two years for regional events programs for 2016–17, $4 million over four years for the Margaret River Pro and the International Cricket Council World Cup, and $34.4 million over four years for the WA caravan and camping action plan 2013–18. That is a plan that I became personally involved in and I am happy to share some tales on that.

In 2009, the Economics and Industry Standing Committee held an inquiry and produced a report titled "Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia", which contained 57 recommendations. After that, Tourism WA engaged Brighthouse Strategic Consulting to investigate the tourism-related recommendations in the report. The subsequent report that came from that is called "A Strategic Approach to Caravan and Camping Tourism in Western Australia", which led the agency to develop the Western Australian caravan and camping action plan 2013–18. When I was made parliamentary secretary to Hon Kim Hames, when he was Minister for Tourism, he said, "Go out and learn as much as you can about caravan and camping to make sure this action plan hits the areas we need to address to increase and improve our tourism for caravanning and camping in WA."

The number of people staying in Western Australian caravan parks and camping grounds continues to grow. They account for 14.2 per cent of total trips in our state. From talking to the industry, I know we can tap into a lot more. Over east, campervanning in particular is very popular. Many destinations and diverse areas are on offer in WA and we need to improve, and find ways to tap into more of that market. The more tourists who are driving on our roads, especially in regional WA, the better will be our local towns and communities.

As I said, I was lucky to be involved in the caravan and camping action plan. I think I told the house a few weeks ago that I went on what they call an "RV trip"—I find that very American—but what I call a campervan trip to the south west to see firsthand the issues, the destinations and what is on offer for people who are campervanning down south. I would love to take a trip north, but, obviously, that would take a little longer and I would need a longer break from Parliament to do that. Overall, I travelled just under 2 500 kilometres, starting in York, stopping at Beverley and Wagin, all the way to Albany, back up through Denmark, Manjimup, Bridgetown, Greenbushes and Harvey and back home to the Swan Valley. I went with Bevin Martin, the state representative of the Campervan and Motorhome Club of Australia, who invited me to go out on the road. He showed me what was on offer and what needed to be improved. I have to say that I was very impressed with our south west. Our tourism operators were welcoming and informative. People in the tourism industry do not just operate their businesses; they promote the whole town and everyone else around them. They are the greatest advocates for regional towns and for WA.

There are some amazing, free destinations already on offer in WA for campervans—self-contained vehicles—or even for people who just want to camp in tents. One of the main points highlighted on this trip was that we need to promote them more. We need to compile a list and put them on a map so that we let people know where they can go for a very cheap or free holiday. I am glad to say that this is one of the action plan's recommendations that we need to follow through. While on that trip I was lucky enough to meet quite a few of the local government authorities and some caravan park owners. We need to be very careful how we promote free camping. Caravan park owners run a business and, obviously, free camping is in competition with them. In carrying out the action plan we need to make sure we are strategic and get a good balance in providing free camping without it impacting on our caravan park owners. I think that will be much easier to achieve in the north than in the south. As I said, quite a few sites are available down south that we can enhance.

One of the other issues raised during my trip was the need for more 24-hour pullover bays, mainly for the sake of road safety, and dumping points for black waste and greywater material. We also need more rubbish bins

because there is a lot of littering on our country and regional roads, which can be easily addressed by putting rubbish in the bins. However, I understand that in regional WA or down south the animals like to play in the bins, and that causes a bit of a mess. As a result, the local government authority or Main Roads WA decides to take the bins away and that causes another issue. That is one of the issues that will be addressed in the caravan and camping action plan. Out of the caravan and camping action plan, the minister acknowledges that tourism does not cover just the tourism portfolio. Mr President, I seek an extension, please.

[Member's time extended.]

Hon ALYSSA HAYDEN: Tourism covers more than just the tourism portfolio; it covers many other portfolios within government. I am pleased to see that part of this action plan will include portfolios with parks and roads to make sure the proper destinations are known so that tourism to WA increases and we get more people on our roads enjoying our beautiful state.

Tourism has received $9 million over three years for additional tourism marketing. People have said that the tourism budget was actually cut, but that is not true. It is additional money over and above the budget.

Hon Ken Travers interjected.

Hon ALYSSA HAYDEN: The member was so nice before.

Hon Ken Travers: That is because you were saying nice things. Now you're making it up.

Hon ALYSSA HAYDEN: The state government has provided $9 million over three years in the 2013–14 budget, which is the first instalment of the promised $24 million over four years for additional marketing. This funding will be directed towards domestic marketing of tourism in Western Australia and will include programs such as "1001 Extraordinary Experiences". It will also enable the agency to enter into significant new airline agreements covering Australia, the United States, the United Kingdom, Germany and Singapore. It is vital that we are on target and promoting ourselves in these countries. If we do not have marketing going out there, we will not pick up international visitors.

Debate interrupted, pursuant to standing orders.

[Continued on page 4111.]

QUESTIONS WITHOUT NOTICE

SCHOOLS — CLEANERS AND GARDENERS — FUNDING

545. Hon KATE DOUST to the Minister for Education:

I refer to the school full-time equivalent allocations for cleaners and gardeners in 2015. Can the minister confirm that the amount included in the single dollar amount to schools will be based on areas and specific cleaning requirements in respect of cleaners, and by area and particular site factors for gardeners; and that the formulae for determining the allocation will not change in 2015?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of this question. The details for funding schools for cleaning and gardening and other site-based costs for 2015 have not yet been finalised. Existing arrangements regarding cleaning and gardening will continue in 2014.

FIONA STANLEY HOSPITAL — PATHOLOGY LABORATORIES

546. Hon KATE DOUST to the parliamentary secretary representing the Minister for Health:

I refer to the Fiona Stanley Hospital.

(1) Can the Minister for Health confirm that the buildings that will house the pathology laboratories at Fiona Stanley Hospital have been completed?

(2) Can the Minister for Health confirm that the government intends not to open the new pathology laboratories when the rest of the hospital opens next year?

(3) If yes to (2), what action will the Minister for Health take to minimise the inevitable delay and disruption caused by not having on-site pathology laboratories?

Hon ALYSSA HAYDEN replied:

I thank the honourable member for some notice of this question.

(1) Practical completion of these buildings is due in December 2013, in line with the remainder of the hospital.

(2) The pathology laboratories will be open in line with the commencement of clinical services at Fiona Stanley Hospital.

(3) Not applicable.

LOCAL GOVERNMENT — ROAD FUNDING

547. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I refer to the additional expenditure of $67 million for local government road projects that was reported in the 2012–13 *Government Mid-year Financial Projections Statement*.

(1) Which local road projects are included in this expenditure?

(2) How much money is allocated to each road project in each year of the forward estimates?

Hon JIM CHOWN replied:

(1) Curtin Avenue realignment; Mandurah traffic bridge; Eaton–Treendale bridge; and Gnangara Road dual carriageway.

(2) The 2012–13 *Government Mid-year Financial Projections Statement* contained the following allocations: Curtin Avenue realignment, $27 million; Mandurah traffic bridge, $5.7 million; Eaton–Treendale bridge, $2 million; and Gnangara Road dual carriageway, $13 million.

DOMESTIC VIOLENCE — MEN'S WORKSHOP

548. Hon SALLY TALBOT to the Minister for Child Protection:

(1) Is the minister aware of claims made on a flyer promoting a workshop on "Working with men affected by violence" on 7 October that one in three victims of domestic violence is male?

(2) Does the minister understand this claim to be correct?

(3) If yes to (2), what evidence is the minister drawing on to substantiate the claim?

(4) If no to (2), will the minister ask for the flyer to be withdrawn?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question; the question could easily have come to me under either the Mental Health or Child Protection portfolio. I note that the honourable member previously asked this question on 10 September, and at the time I advised that I would look into the matter. I appreciate the honourable member providing me with a copy of the flyer referred to in the question, and I advise the following.

(1) The training program "Working with men affected by violence" was held on 7 October 2010. I am advised that this training was developed by Greg Millan, the vice president of the Australasian Men's Health Forum Inc, and organised through Lifeline WA. The "One in Three" campaign claims that one in three victims of family and domestic violence are male, and that one in three victims of sexual assault are male.

(2) Many well-regarded academics in the family and domestic violence field, such as Dr Michael Flood, have written extensively on their concerns about the inaccuracies perpetuated by "One in Three". The gendered nature of family and domestic violence is clear when physical assault, sexual assault and threat are combined. The 2005 Australian Bureau of Statistics personal safety survey relied only on physical assault data that indicated that of the 808 300 men who had experienced violence, including physical and sexual assault and threat, within the previous 12 months, only 3.5 per cent were assaulted by a female partner or former partner. In contrast, 25.8 per cent of women who experienced violence were assaulted by a male partner or former partner.

(3) Not applicable.

(4) No. To the best of my knowledge, the workshop occurred in October 2010. I would also like to take the opportunity to advise the member that I raised with the acting director general of the Department for Child Protection and Family Support the wording of the department's website in relation to family and domestic violence services. I can now advise that the wording has been changed to —

> The Men's Domestic Violence Helpline is a state wide 24 hour service. This service provides counselling for men who are concerned about becoming violent or abusive. The service can provide telephone counselling, information and referral to ongoing face to face services if required. Information and support is also available for men who have experienced family and domestic violence.

PLANNING —LOCAL PLANNING STRATEGIES

549. Hon ROBIN CHAPPLE to the minister representing the Minister for Planning:

I refer to the rules governing the development of local planning strategies and local planning schemes.

(1) Is it permitted for a local planning scheme to be based on a draft local planning strategy that is currently out for public comment?

(2) Does the minister agree that a local planning strategy that is advertised for public comment could be changed as a result of these comments, shire councillors' comments and a recommendation of the Western Australian Planning Commission prior to gazettal?

(3) If yes to (2), how can a local planning scheme be advertised when its basis is in draft form?

(4) If no to (2), why not?

Hon HELEN MORTON replied:

(1)–(4) I thank the honourable member for some notice of this question. It is not possible to provide the information in the short time available and I request that the member place the question on notice.

ROAD TRAFFIC — BINDI BINDI BENDS

550. Hon BRIAN ELLIS to the parliamentary secretary representing the Minister for Transport:

I refer to the notorious Bindi Bindi bends in the Moora district.

(1) Can the minister confirm that the state and commonwealth funds allocated to the realignment of the Bindi Bindi bends on the Great Northern Highway are still available for the project; and, if yes, when will the project commence?

(2) What are the benefits to the local community and to the state of these improvements to the Great Northern Highway?

(3) When the proposed realignment proceeds, will adequate heavy vehicle parking be permanently incorporated into the project?

(4) Are plans in place to address the safety concerns of the Miling community with regard to traffic movements through the town and past the local primary school during and following the realignment of the Bindi Bindi bends?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of this question.

(1) The minister is pleased to confirm that this Liberal–National state government has prioritised funding to upgrade the notorious Bindi Bindi bends south of Miling. The member can be assured that funds are in place and committed. Works were scheduled to commence this week, on 16 September 2013, with all site works due for completion by early 2015.

(2) Great Northern Highway now becomes a continuous road at Bindi Bindi. The level crossing at Bindi Bindi will also be upgraded to incorporate advanced warning signals and boom gates, greatly improving safety for all road and rail users. Other benefits include improved road safety and efficiency with widened seal, improved road geometry and safer access from local roads and adjacent properties. Excluding the area adjacent to the level crossing, the speed limit will also be increased to 110 kilometres an hour from the current 80 kilometres an hour posting.

(3) The proposed works include the construction of a truck bay at the northern end of the works, near Lyons East Road. This truck bay and its accesses have been widened to allow for heavy vehicle parking, whilst maintaining through-traffic, and will also allow for oversized, over mass permit vehicle access.

(4) The minister acknowledges the recent work undertaken by the member on behalf of the Miling community. Main Roads WA will be investigating options to improve safety through the town site and past the primary school. This will include the prioritisation of flashing LED speed signs to ensure motorists, particularly drivers of heavy vehicles, are aware of school activity in the vicinity of this extremely busy section of road.

I have just been informed by Main Roads at Northam that the double barrier line markings were installed yesterday in the main street of Miling. A ground survey will also be undertaken through Miling to enable development of design concepts, incorporating traffic-calming measures.

BUNGARUN RESERVE — CLEAN-UP

551. Hon STEPHEN DAWSON to the Minister for Aboriginal Affairs:

I refer to correspondence from the Shire of Derby/West Kimberley relating to Bungarun Reserve, reserve 21474, vested with the Aboriginal Lands Trust and a site listed on the state heritage register, which has fallen into disrepair.

(1) Is the minister concerned about the state of the site?

(2) What steps will be taken to clean up the site?

(3) When will the clean-up occur?

(4) What maintenance schedule will be put in place to maintain the grounds into the future?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. This response was as per last Thursday, to put it into context.

(1)–(4) The correspondence the member refers to from the Shire of Derby/West Kimberley was received by my office this morning. I have requested a briefing from the Department of Aboriginal Affairs.

MINISTER FOR EDUCATION — SCHOOLS — COMMENTS

552. Hon LJILJANNA RAVLICH to the Minister for Education:

I refer to the minister's response in question time last Wednesday when he said the following in relation to inefficient schools —

> I want to make clear to the honourable member that I did not say schools were inefficient. I said student-to-staff ratios in our secondary schools are the most inefficient in the nation. That is the fact.

Given that the government is cutting funding to both primary and secondary schools —

(1) What criteria did the minister use to establish that WA schools are inefficient and that student-to-staff ratios in our secondary schools are the most inefficient in the nation?

(2) Did the minister's criteria take into consideration the number of teachers and students per square kilometre and/or the population per secondary teacher in government schools?

(3) If no to (2), why not?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question.

(1)–(3) As I have said all the way along, right from the very start of this debate, we have not cut funding in education. That needs to be established. We have increased funding. I will say it again: we have increased funding by 55 per cent since we have been in government.

Hon Ljiljanna Ravlich interjected.

Hon PETER COLLIER: Wait on; Hon Ljiljanna Ravlich asked the question.

We have increased funding in this budget by $300 million. We are spreading that funding across all sectors more appropriately. It came through as a direct recommendation from Professor Teese —

Hon Ljiljanna Ravlich: What is your criteria? Answer the question for a change!

The PRESIDENT: Order! The question was asked without notice; I am sure the minister is trying to answer all three parts of the question.

Hon PETER COLLIER: We will be spreading the funding much more evenly. At the moment there is a criteria that is used nationally to determine ratios of students per teacher at both the secondary and primary levels. I will give the honourable member those ratios as they stand; just to confirm them. This is in 2012 in government schools. At the primary school level, we are very efficient in terms of ratios: our student-to-teacher ratio is 15.9 compared with the Australian average of 15.2. In other jurisdictions, New South Wales is 15.5, Victoria is 15, Queensland is 15.4, South Australia is 14.9 and Tasmania is 14.5. Members can see that the ratios are very efficient. We are really asking a lot from our primary school teachers. At the secondary school level —

Hon Ljiljanna Ravlich: So why are you cutting their funding?

Hon PETER COLLIER: Listen; we have not cut funding. I will repeat it. Did anyone miss that? How many times do I have to say we have not cut funding?

Several members interjected.

The PRESIDENT: Order! Let the Minister for Education finish his answer, directed through the Chair.

Hon PETER COLLIER: Sorry, Mr President. I will direct my answer to you.

At the secondary level, however, the situation is reversed in terms of student-to-teacher ratios. We are the most inefficient. That does not mean teachers are inefficient in terms of the role they play; it means in terms of the numbers of students per teacher. Western Australia sits on 11.1 compared with the Australian average of 12.3. In

other jurisdictions, it is 12.4 in New South Wales, 11.9 in Victoria, 12.5 in Queensland, 13.2 in South Australia and 13.1 in Tasmania. The ratio of 11.7 in Western Australia, in comparison, is the most inefficient. We want to get to a situation much the same as Professor Teese and David Gonski recommended; that is, a situation in which there is not as much disparity between year groups. At the moment there are stage weights—each different year group is taken in isolation. We are moving to a situation in which each individual child is considered so that funding is directed appropriately. That is what we are doing. It is based upon the evidence that I have just presented yet again: we are moving to a much more equitable system of funding and a much more targeted system of funding that will ultimately benefit all students in Western Australia.

457 VISA HOLDERS — PUBLIC SCHOOLS CHARGE

553. Hon DARREN WEST to the minister representing the Minister for Regional Development:

My question was lodged last Thursday but I ask it regardless. Given its dramatic impact on rural communities, does the minister support the $4 000 per child charge to parents holding 457 working visas for their children to attend public schools?

Hon KEN BASTON replied:

Does the member have a number for that question?

Hon Darren West: C568. It went in last week. If the minister does not have it, I have another one for him!

Hon KEN BASTON: That is the problem; the member has so many!

I thank the honourable member for some notice of the question.

The government has made an announcement about the introduction of a charge for education services for children of parents holding 457 working visas. The government is currently examining the implementation of this initiative and will make an announcement in the near future.

CORRECTIVE SERVICES — ADULT OFFENDERS

554. Hon SAMANTHA ROWE to the Attorney General representing the Minister for Corrective Services:

I refer to the Minister for Corrective Services' answer to question on notice 159 in the other place confirming that 5 017 prisoners entering the state's prisons between 1 November 2008 and 11 June 2013 were serving a term of imprisonment solely for failing to pay outstanding fines.

(1) For the same period, what number of prisoners serving a term of imprisonment solely for failing to pay outstanding fines were transported at departmental expense from their community to prison and back?

(2) What method of transportation was used to move these prisoners?

(3) Were any charter aircraft deployed to transfer these prisoners; and, if so, on how many occasions?

(4) What was the total cost to transport those prisoners?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of the question.

(1)–(4) The Minister for Corrective Services advises that the Department of Corrective Services does not record the type of offence against transport records and as such is unable to provide a response.

LIVE CATTLE TRANSPORT SHIP — *PEARL OF PARA*

555. Hon LYNN MacLAREN to the Minister for Agriculture and Food:

I note that some of the answers to this question were given in the minister's ministerial statement.

(1) How long has the cattle export vessel *Pearl of Para* been delayed due to mechanical problems?

(2) Is the ship still awaiting repairs near Fremantle port?

(3) Was the ship inspected for seaworthiness before departure from Fremantle; and, if not, when was the last time the ship was inspected for seaworthiness?

(4) What is the condition of the cattle aboard?

(5) How long have they been aboard?

(6) Please detail the animal welfare inspections that have taken place or are planned, and by which authorities?

(7) Will the minister provide the Legislative Council with the veterinary reports on the condition of the animals as soon as possible?

(8) Should any cattle be diagnosed as unfit for travel to Israel, will they be unloaded in Fremantle?

(9) If yes to (8), where will they be taken?

Hon KEN BASTON replied:

I thank the honourable member for some notice of this question.

(1) *Pearl of Para* departed from Fremantle harbour on 4 September 2013. After encountering a propeller shaft coupling problem on one of its propulsion units, the captain decided, on 7 September 2013, to return to Fremantle because this was the best way to protect the welfare of the cattle and crew while conducting repairs.

(2) Yes. The vessel is at anchor off Fremantle, awaiting the manufacture of a replacement coupling.

(3) The vessel is fully compliant with Australian Maritime Safety Authority regulatory standards. It holds a full-term Australian certificate for the carriage of livestock issued by the Australian Maritime Safety Authority, the body that controls the standard of vessels licensed to carry Australian livestock.

(4) The cattle continue to be under the care of an Australian government–approved veterinarian on board, who reports to a Department of Agriculture, Fisheries, Forestry and Food veterinarian on shore two to three times a day. All reports confirm the cattle to be in good condition and that their welfare status is not compromised.

(5) The cattle were loaded onto the vessel on Monday, 2 September, and Tuesday, 3 September, before sailing on 4 September, so the longest any cattle have been on board is 15 days.

(6) In addition to 24/7 onboard supervision by an experienced Australian government–approved veterinarian, a senior compliance inspector from the Western Australian Department of Agriculture and Food boarded the vessel on Friday, 13 September 2013, and undertook a detailed inspection of all animals on all decks. No breaches of the Animal Welfare Act 2002 were detected. Further, the inspector was of the opinion that the animals were being provided a high standard of care and that there were no discernible animal welfare issues. A further inspection by a DAFWA inspector will be undertaken when the vessel enters Fremantle harbour to load fodder, water and other supplies before resuming its voyage to Israel. It is understood the RSPCA has made arrangements with the exporter to inspect the vessel and cargo when it is in Fremantle harbour.

(7) DAFWA's livestock compliance unit does not make specific details of its inspection available to the public as this information is obtained using an inspector's powers under the Animal Welfare Act 2002. To ensure compliance with section 91, "Improper use of information", and section 48(6)(c)—minimise disruption to a business activity—DAFWA's livestock compliance unit only provides a basic statement; for example, no breaches or ongoing investigation.

(8) The cattle cannot be unloaded without an import order. The vessel is equipped to deal with any animal welfare issues, including by treatment or euthanasia, or by the AA veterinarian.

(9) Treated animals will continue on the voyage; euthanised animals will be disposed of according to standard protocols.

KING EDWARD MEMORIAL HOSPITAL — PREGNANCY TERMINATION

556. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Health:

I refer to the answer to my question without notice on 26 June 2013, which referred to an original review conducted by staff at King Edward Memorial Hospital completed on 15 September 2011; a further review undertaken in July 2012; and a report dated 21 September 2011, provided to the Standing Committee on Environment and Public Affairs.

(1) Apart from the report of 21 September 2011 to the standing committee, what documentation was created as a result of the original review in September 2011?

(2) If, in response to (1), some documentation was created, will the minister table a copy of that documentation?

(3) If yes to (2), when?

(4) If no to (2), why not?

(5) Why was a further review conducted in July 2012?

(6) What documentation was created as a result of the further review in July 2012?

(7) Will the minister table any of the documentation referred to in (6)?

(8) If yes to (7), when?

(9) If no to (7), why not?

(10) How many cases were reviewed in the further review of July 2012?

The PRESIDENT: A 10-part question; that is hardly concise, but it was on notice.

Hon ALYSSA HAYDEN replied:

I thank the honourable member for some notice of this question. The following information has been provided to me by the Minister for Health —

(1) Draft working notes incorporated into the final report.

(2) No.

(3) Not applicable.

(4) All information was incorporated into the final report. I table the report.

(5) To check if any additional cases had been reported. The review was conducted in response to a request related to the coroner.

(6) This was a file review; no additional documents were produced.

(7)–(8) Not applicable.

(9) No documents.

(10) Nil. No further cases were identified.

[See paper 628.]

LOCAL GOVERNMENT ADVISORY BOARD — MEMBERSHIP

557. Hon ALANNA CLOHESY to the minister representing the Minister for Local Government:

I refer to the Local Government Advisory Board.

Will the minister please provide —

(a) the names of each member and deputy member of the board;

(b) the dates on which their appointments commenced and will terminate; and

(c) the name of the person or organisation that recommended each appointment to the board?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question.

(a)–(b) Melvyn Congerton, chair, 1 September 2011 to 31 August 2015; Ron Yuryevich, member, 1 September 2011 to 31 August 2015; Helen Dullard, member, 1 September 2011 to 31 August 2013; Shayne Silcox, member, 1 September 2011 to 31 August 2013; Mark Glasson, member, 20 March 2012 to 31 August 2013; Karen Chappel, deputy member, 1 September 2011 to 31 August 2015; Timothy Fowler, deputy member, 1 September 2011 to 31 August 2013; Terence Kenyon, deputy member, 1 September 2011 to 31 August 2013; and Jonathan Throssell, deputy member, 1 September 2011 to 31 August 2013. Please note that some of the above terms have expired and are currently under cabinet consideration.

(c) Melvyn Congerton, nominated by Hon John Castrilli, then Minister for Local Government; Ron Yuryevich, nominated by the Western Australian Local Government Association; Helen Dullard, nominated by WALGA; Shayne Silcox, nominated by Local Government Managers Australia; Mark Glasson, nominated by Hon John Castrilli; Karen Chappel, nominated by WALGA; Timothy Fowler, nominated by Hon John Castrilli; Terence Kenyon, nominated by WALGA; and, Jonathan Throssell, nominated by Local Government Managers Australia.

WITHERS URBAN RENEWAL GRANT AGREEMENT — EXPIRY

558. Hon ADELE FARINA to the minister representing the Minister for Regional Development:

I refer to the grant agreement dated 13 June 2013 between the South West Development Commission and the City of Bunbury for Withers urban renewal, stage 1, which I understand has expired due to the City Of Bunbury's failure to meet conditions of the agreement.

(1) Will the South West Development Commission enter into a fresh grant agreement with the City of Bunbury; and, if so, what is the time frame for signing the fresh grant agreement?

(2) Will the City of Bunbury be required to match the government's $300 000 funding commitment in order to secure the grant?

Hon KEN BASTON replied:

I thank the member for some notice of this question.

(1) The decision to enter into a new grant agreement with the City of Bunbury will be considered at the 27 September board meeting of the South West Development Commission.

(2) This forms part of the discussion to be held at the 27 September board meeting of the South West Development Commission.

SCHOOL FUNDING MODEL

559. Hon KATE DOUST to the Minister for Education:

I ask this question on behalf of the Hon Sue Ellery, who is away on urgent parliamentary business.

I refer to the minister's letter of 28 August 2013 to all school parents and citizens associations, in which he advises that "2014 is the year we transition to a new funding model", and then states in the same letter that the new model will come into effect in 2015.

(1) How is it a transition?

(2) Is it not just a series of cuts in 2014, and a new model in 2015?

Hon PETER COLLIER replied:

(1)–(2) I thank Hon Kate Doust for that question. What was it?

Hon Kate Doust: Actually, I just read it; it is a question without notice!

Hon PETER COLLIER: Sorry, I was not listening. Can I get a copy of that? Sorry.

Hon Ljiljanna Ravlich: Come on! Get on with it!

Hon PETER COLLIER: No, I spent my whole time looking for the question and then—okay, let me look.

Several members interjected.

The PRESIDENT: Order!

Hon Ljiljanna Ravlich: You should be sacked!

Hon Kate Doust: It might save a lot of time!

Hon PETER COLLIER: Yes, that is correct.

The PRESIDENT: Minister, let us hear your answer.

Hon PETER COLLIER: I have answered this question so many times; I will answer it again. For the benefit of members, it reads that 2014 will be the year we transition to a new funding model. Then the same letter says that the new funding model will come into effect in 2015. That is a transition. I will just emphasise that: it is a transition! The whole point is that we could quite easily have just left it next year and introduced the model overnight. It was not going to work. We had to move to a system whereby we had a more equitable distribution of the funding.

Hon Kate Doust interjected.

The PRESIDENT: Order!

Hon PETER COLLIER: Look —

Several members interjected.

The PRESIDENT: Order! Let the minister provide his answer.

Hon PETER COLLIER: I reckon this is the fifth time today: we have not cut education funding!

Hon Kate Doust: We're going to keep asking because we know you have cut education!

Hon PETER COLLIER: I want to emphasise that we have increased education funding by $300 million.

Hon Kate Doust: The schools know you've cut it! The parents know you've cut it! The students know you've cut it!

Hon PETER COLLIER: Is it not interesting that members opposite ask questions and then they yell and scream so I cannot give a response. I could quite easily sit down.

Hon Kate Doust: You're not giving the right response and you know it!

The PRESIDENT: Order! Let the minister provide the answer. You may not agree with it, you may not even like it, but you have asked the question so I assume you want him to answer.

Hon PETER COLLIER: Can I say, once again, that we have increased funding at a phenomenal rate. Schools in Western Australia are extraordinarily well resourced. As we have increased funding by 55 per cent since we have been in government, there has been a corresponding increase of around eight per cent in student numbers. That level of funding is unsustainable and I have made that quite clear. We do have to tighten our belts and I said that in the chamber last week. We are moving to a system now where, yes, schools do have to consider what programs they deliver. There will be an increase in staff in some schools; there will be a decrease in staff in other schools. But we have to move to a much more sustainable funding model and then we will be much better prepared to move into the student-centred model in 2015. That is why it is a transitional year; that is why we are transitioning.

As I said earlier, we are transitioning because we are actually moving to a more equitable —

Hon Kate Doust: You don't actually have the model ready!

Hon PETER COLLIER: I beg your pardon?

Hon Kate Doust: You don't actually have the model ready, do you?

Hon PETER COLLIER: I beg your pardon?

Several members interjected.

Hon PETER COLLIER: Look, I do not know how many times I have to say it, but as I have just said, we are moving to a situation where each individual child is considered—that is from the recommendations of the Teese report. That is not something that I dreamed up; it was not something that the Department of Education dreamed up. This came from the recommendations of an eminent educationalist in Professor Teese from the University of Melbourne; not even in Western Australia. As I said, we are moving to a situation of targeting our funding much more appropriately. We are transitioning to that model and that is eminently sensible, as I said.

Schools, when provided with their funding, will consider the programs they will deliver. They will not be delivering some programs that they are delivering this year, but as I said, ultimately, we will move to a more sustainable funding model and a better targeted model.

DRIVING ASSESSMENTS — BUSSELTON AND MARGARET RIVER

560. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I refer to questions without notice 356 and 471.

(1) On what date did the Minister for Transport first become aware that a practical driving assessment was to be undertaken in Busselton on 12 October 2012?

(2) When did the minister first become aware that it was the only practical driving assessment that occurred on that date in Busselton?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of this question.

(1)–(2) The minister has advised that he is not involved in the operational decisions of the Department of Transport.

TIMS THICKET MINE SITE

561. Hon ROBIN CHAPPLE to the minister representing the Minister for Environment:

My question without notice is C515.

I refer to the old Tims Thicket mine site on Tims Thicket Road West, in Dawesville.

(1) What current licences exist under the Environmental Protection and Biodiversity Conservation Act for the dumping of waste in this area?

(2) Is the minister aware of the proposal by the City of Mandurah to use this area as a waste transfer station?

(3) Does the minister consider it appropriate to use this area as a waste transfer station considering it is a national estate–registered site?

I will indicate to the minister that there is a map provided for the minister to look at.

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) The Environmental Protection and Biodiversity Conservation Act 1999 is administered by the commonwealth government, not the state government.

(2) I have been advised by the Department of Environment Regulation that Transpacific Cleanaway Pty Ltd operates the Tims Thicket Septage and Inert Disposal Facility, and has held a part V licence under the Environmental Protection Act 1986 since 1995. Transpacific Cleanaway met with DER officers for a preliminary scoping meeting in November 2012 to discuss the possibility of establishing a transfer station at the site.

(3) If an application is submitted, all relevant aspects of the proposal would be assessed against relevant standings and statutory requirements prior to any approvals.

BANKSIA HILL DETENTION CENTRE RIOT

562. Hon SALLY TALBOT to the Attorney General representing the Minister for Corrective Services:

(1) Were any of the Banksia Hill Detention Centre detainees who were sent to Hakea Prison after the incident on January 2013 under the age of 14?

(2) If yes to (1), how many?

(3) What were their ages?

(4) For how long did each of these detainees remain in Hakea Prison; and

(5) Where were they placed after leaving Hakea Prison?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of the question.

The Minister for Corrective Services advises —

(1)–(2) Yes. One detainee, aged under 14, was transferred to Hakea Prison after the disturbance at Banksia Hill Detention Centre on 20 January. This was due to a miscalculation of his birthdate. As soon as the error was identified, he was immediately transferred back to Banksia Hill Detention Centre.

(3) Thirteen.

(4) Twelve hours.

(5) Banksia Hill Detention Centre.

KIMBERLEY SCIENCE AND CONSERVATION STRATEGY

Question without Notice 531 — Answer Advice

HON PETER COLLIER (North Metropolitan — Leader of the House) [5.07 pm]: On Thursday, 12 September, Hon Stephen Dawson asked question without notice 531 regarding the Kimberley science and conservation strategy. I have a response and I seek leave to table it and have it incorporated into *Hansard*.

Leave granted. [See paper 629.]

The following material was incorporated —

I thank the Hon. Member for some notice of this question.

(l)-(5) The Kimberley Science and Conservation Strategy was launched on 17 June 2011. In the lead up to the 2013 Election and as part of the 2013 State Budget additional initiatives and funding were committed for the Great Kimberley Marine Park and new national parks, including Horizontal Falls and the creation of Australia's largest national park. The Strategy now comprises the following elements:

- New marine and national parks;
- Landscape Conservation Initiative;
- Kimberley Tourism initiatives;
- Kimberley Marine Research Program, delivered through Western Australian Marine Science Institute;
- Integrated Marine Observation System - Kimberley Array (marine science);
- Geophysical and Geochemical Survey;
- New Kimberley Fishing Initiatives;
- Science Portal, developed by Scitech; and
- Rock Art Research.

The expenditure to 31 March 2013 across the seven agencies involved in the implementation of the Strategy is $22 million. The expenditure figures for the remainder of the 2012-13 financial year are still being finalised.

A further $68.5 million is committed over the next four years to the end of 2016-17, this includes:

- $25 million for new national parks and the landscape conservation initiative;
- $30.1 million for Camden Sound, North Kimberley, Horizontal Falls and Eighty Mile Beach marine parks;
- $8.6 million for a marine science research program and other science initiatives;

- $1.8 million tourism initiative including major upgrades to visitor facilities in parks;
- $1.1 million geological survey program; and
- $900,000 for fisheries stocking program and marine education program.

There is also ongoing funding of $9.2 million/year beyond 2016/17 for marine park management and the landscape conservation initiative.

QUESTION ON NOTICE 199

Paper Tabled

A paper relating to an answer to question on notice 199 was tabled by **Hon Ken Baston (Minister for Agriculture and Food)**.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from an earlier stage of the sitting.

HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary) [5.08 pm]: Noting the time, I want to summarise and finish up my speech. I was referring to the excellent budget that has been given to tourism. I did briefly touch on some of the tourism industry groups and individuals who have claimed that the tourism budget has been cut, but as I said, nothing could be further from the truth. In fact, Tourism WA's budget for 2013–14 at $85.3 million is the highest it has ever been. The agency was given an additional $2 million for marketing this financial year, the majority of which will be invested in our domestic market to promote Perth and regional destinations. It is through the creation and support of events of all types that will encourage visitors to come to WA. We need to showcase and sell our amazing and diverse destinations across the state to make sure we pick up our share of the tourism market internationally, interstate and domestically. We need to have more of our WA population travelling and visiting home state destinations, spending their holidays here in WA, not always having to travel overseas or interstate. Creating awareness of what we have on offer, through the government's caravan and camping action plan and through marketing, is the way to do this.

Tourism WA is also responsible for growing WA's events calendar. We have events of all types across the year, from sporting events through to the arts, fashion, food and wine, caravanning and camping and so forth. We need to create these events so we can continue to promote our fantastic state. It is events like the Perth Fashion Festival last week, the Truffle Kerfuffle in July and the Best Jobs in the World campaign, which I think will benefit the state tremendously.

I will start with last weekend's Perth Fashion Festival. On Friday, I was lucky enough to go along to the WA designer runway fashion parade that was held in the WA Museum. The Museum is a fantastic venue. It was being used for something other than just the normal museum wares. Having runway fashion with heels, women dressed up and men dressed up, I have to say, was a fantastic use of the Western Australia Museum. There were some wonderful WA designers showcasing their product. For the first time this year, the Perth Fashion Festival also had a number of free events for the public that were held in Forrest Chase and the Wesley Quarter. These events not only targeted the designer labels, there were also fashion shows showing off Target's fashions. Not everybody is able to buy designer labels, and even those who do normally only do so on occasion; they buy one or two designer items that are kept for special occasions, be it a wedding, an anniversary of some kind or just a great reason to buy a designer label. The majority of people buy everyday clothing, and Target is somewhere that many people in WA buy their clothes. It was good to see a range of fashion on display throughout the festival. I congratulate the organisers of the Perth Fashion Festival. Through Eventscorp, the state government and the Department of Culture and the Arts supported the festival. For the first time, there was a great big blow-up area that was used as a bar and break-out area for people to mingle and network during the festival. It was a fantastic weekend, and I hope that many members in this place and many people around WA had the opportunity to enjoy the fashion festival.

The Truffle Kerfuffle festival was held in Manjimup in July. I was very lucky to go down there and experiment and taste the truffles. Manjimup is very well known for its black truffles, and this is something that we need to celebrate. I know Manjimup exports a lot of truffles to France because ours are grown in the French off-season. It is fantastic to know that the French are eating the best truffles from Manjimup. This festival showcased a regional town and what is on offer down there, and created a lot of hustle and bustle over that weekend in Manjimup.

Hon Col Holt: It was hustle and bustle at the Truffle Kerfuffle.

Hon ALYSSA HAYDEN: That is right.

The other event that I quickly touched on was the Best Jobs in the World campaign. I spoke about this briefly in Parliament a few weeks ago. The Best Jobs in the World campaign was put together by the federal government and the states. Western Australia's Best Jobs in the World competition was for the job of taste master. In June,

we announced that the winner is Richard Keam from Brighton in the United Kingdom. He has been crowned WA's taste master. If Richard is not already here, he is due to land any day. Hopefully, he will be coming along to the "Experience of East Metro" that I am having at Parliament House next week. I encourage members to come along and meet Richard. His job is very hard; he has to experiment, taste, eat and drink his way around WA and then promote our fantastic venues and food and wine produce to the rest of the world. Richard demonstrated through the competition that he will do an excellent job. I am extremely proud to see Richard Keam as our ambassador for WA, and I look forward to following him on his Facebook site when it gets up and running, and I will keep the house informed on how the campaign is going. To be able to have someone from outside the state and the country on an international stage promoting us to people around the world, encouraging them to come back to WA or to make Western Australia their next holiday destination will make the money invested come back twofold if not triple to the state's tourism economy.

On that note, I congratulate the government on its budget. There has been a lot of negativity about this budget but really looking through it, it can be seen that the money has been put where it is required. I would like to commend these bills to the house.

Debate adjourned until a later stage of the sitting, on motion by **Hon Peter Collier (Leader of the House)**.

PETROLEUM AND GEOTHERMAL ENERGY LEGISLATION AMENDMENT BILL 2013

Second Reading

Resumed from 12 September.

HON ROBIN CHAPPLE (Mining and Pastoral) [5.16 pm]: I rise to give the Greens' perspective on this legislation. It is legislation that will most probably never have any effect because of the economics of it and the cost it represents to the state and to industry in the long term. We will not oppose the bill because in most cases there is hardly any chance of it ever coming to effect. I want to touch on some of those issues. I have looked through the legislation and want to make comments pertaining to some of its clauses.

First, I will get to a fundamental understanding of what this is about. The bill is amending the Petroleum and Geothermal Energy Resources Act 1967. Geothermal energy has nothing to do with geosequestration; they are quite different processes. I am really quite surprised that the process of sequestering, which is putting CO_2 equivalent underground under pressure, is in a bill that is intended to bring material out of the ground in terms of energy. I think it is important to explain some of the geology around this. The Petroleum and Geothermal Energy Legislation Amendment Bill is to do with extracting from deep underground, at varying depths, geothermal energy. Geothermal energy is available in quite significant amounts in Western Australia because of the age of the craton it is based on. It is around 1 500 million years old. The area external to Perth has deep granites about 1 500 million years old. In some cases, these deep granites are fissured, and in some cases they are not. A problem with geothermal energy around the nation, which ties in to what we are dealing with here with geosequestration, is the methodology used by companies to extract geothermal energy.

Bertus de Graaf in his developments in South Australia used a process of injecting water and sand underground to about three kilometres and fissuring rock. Water would then be pumped down and extracted as super-heated steam. Those were the early proposals around geothermal energy. The problem is that the notion of injecting water underground requires some of that water to go down at about 3 000 pounds per square inch, which is extremely dangerous. Luckily for Dr de Graaf, when his plant exploded there was nobody around, because when dealing with those sorts of pressures an explosion is extremely dangerous. Many other companies—Green Rock Energy or whatever—are using modern technologies to hunt for ground that is already fissured and they use natural transmission of waters at depth to provide energy. There are also slightly lower levels of geothermal energy being produced for swimming pools and municipal buildings, which is done at levels that are quite close to the surface of the planet. One aspect of geosequestration and geothermal technology is the depths at which they work. From my understanding of the work I have seen on geosequestration, it costs around $75 to $80 a tonne to reinject CO_2, and this also depends into which geological strata they put that material because there are some hypersaline areas where methane and CO_2 is converted into a different chemical constituent. Unfortunately, it then becomes thixotropic—a rather interesting word that means it alters its consistency. When CO_2 goes into saline aquifers, we find it becomes more difficult to move and the sorts of pressures and volumes required diminish quite dramatically, depending on where that is. There was some idea proffered around the world for many years that we can go back and use old reservoirs of oil or gas fields. Anyone who has been in the gas industry will know that as the resource diminishes, it pumps extra CO_2 or water back underground anyway to bring the petroleum or fossil-based fuel—gas, petroleum distillate or whatever—to the surface. Barrow Island produces something like 70 per cent of what is called formation water at the moment, as the reserves decline, and that water is pumped back underground to keep pushing the oil or gas up to the surface. We will not have a facility available to us at the end of the petroleum or a gas process.

Members must remember that the idea of geosequestration in the Gorgon gas fields might look attractive, but we need a domed geological structure into which we will actually be able to move the geosequestered material so it

can be retained by that domed cap. It does not matter how much work is done aboveground, they will never be able to identify whether there are any fissures in that material or not. When we talk about geosequestration, it has a potential life ahead of it, but the problem is we have never done it so we do not know. Some work has been done on that in the Sleipner fields off Norway, but that was a very small and deep project that was proposed and we do not know how long this material will stay down there. I will come to the bill in a minute, because it refers to the time when we can wipe our hands of this. Members have to remember that a lot of material that we are pulling out—oils and gases—are around 200 million years old in terms of their deposition and they have been held in geological structures for that time.

I will quickly turn to some questions I asked in this place a number of years ago on the geosequestration on Barrow Island. When we put CO_2 underground, we also get carbon credits for that application. The state and federal governments will pick up the insurance on those credits, should they not work; they underwrite that. What we know from the Gorgon gas fields is that no modelling of the potential for financial liability has been assessed for its geosequestration. Most probably that will not be done for at least 75 years after the project has gone ahead, and then it will require continuous monitoring over a significant amount of time. When we turn to this bill, it says that after 15 years, if we are happy it is down there, we will absolve ourselves of responsibility. We have to remember we are dealing with geological structures that have to be sound for around 200 million years, otherwise there is no benefit whatsoever. I make the comment that the Greens (WA) will not necessarily be opposing the legislation, because we do not see in the long term that it will work.

Let us understand what we are talking about fiscally. As I say, it will cost about $70 to $85 a tonne, depending on the geological structure of this material that will be put into it. Currently WA's CO_2 emissions are approximately 85 million tonnes a year. If we wanted to deal with that CO_2, at around $70 a tonne, that would be around about $6 billion per annum, and that is not a one-off but per annum. If our emissions go from between 125 million tonnes and 180 million tonnes, which is anticipated if all the various projects—Wheatstone, Gorgon and others—eventually come onstream, then we are looking at about $12 billion a year to deal with that CO_2. We also know that we are trialling some deep sequestration in from the coast in the Collie region. At no stage have I been able to find out how much re-injection of that CO_2 into that aquifer near Collie would actually cost the electricity corporations, Verve Energy or Synergy, and how much that would increase electricity prices. Already the minister, Hon Mike Nahan, has indicated that electricity prices will go up about 100 per cent due to the cost of fossil fuels. He has stated that on the record. If we then start bringing in geosequestration of the CO_2 from that material, we must be looking at a 150 per cent increase in electricity prices as a direct result of geosequestration. My view is that when it actually comes down to pure economic rationalism, this process will not work. In addition, we have no guarantees. As I say, petroleum producers have been using carbon dioxide and water to push oil and gas out of their deposits. There has been a lot of comment that depleted oil and gas reservoirs would be an ideal location for geosequestration, but because we have already filled them to get the material out in the first place, it is highly unlikely they will be available, so we have to look for new geological structures. On Barrow Island, a dome system was found underneath the island into which, theoretically, they can inject CO_2. They can inject into only a quarter of the CO_2 produced on Barrow Island. That is based on the engineering, the cost associated with the injection and the complexity of pushing down CO_2 which then changes its chemical structure and becomes thixotropic, or thicker, to pass through the porous nature of the underlying sandstone, which then creates a problem. Initially, tests were done in Norway. Injection was good to start with, but it dramatically reduced because of the backup of the thixotropic chemical change in the material going down. It was always cited as the panacea, but if we are really interested in dealing with climate change, which is what I think the intent of this bill is, there are many other ways to do that than this extremely costly process. A lot of money is being put into an unproven technology which, as many people around the world believe, may have unknown disadvantages.

As I say, there are incentives to inject material underground because of the trading arrangements, but there are many other ways to deal with carbon. The long-term carbon cycle takes metal ions from rocks, mainly calcium and magnesium, and combines them with CO_2. This is the way the organisms in our marine creatures and shellfish develop. The calcium that comes from that is derived from carbon. There are many other engineering and technical ways to deal with carbon than the old-style engineering process of drilling a hole and pumping it underground. I am reminded of Synroc, which is a process to capture radioactive material in a glass-type element. The idea of Synroc was to drill a big hole again and dump the radioactive material underground where it would remain stable. Things change, chemistry changes, and it was discovered that the inert Synroc eventually was attacked internally by radon, fissured and broke down. We are also experimenting with this proposal.

The Greens will let the proposal go through, because in my and many other people around the world's evaluations, it will never come to pass, first, because of the economics and, second, because the engineering capabilities have yet to be proven. The retention of this material poses a huge fiscal risk to both the state and federal governments. When the state and federal governments signed the agreement on Gorgon, many questions were asked in this place about the fiscal responsibility of its insurance should the proposal not work. Nobody could tell us. We will not know that liability for 75 years when we discover whether it works. If it does not work,

then we will know the liability to the state and nation. I have a huge problem with developing proposals on that sort of analysis.

I return quickly to geothermal energy. It is now a good avenue for energy in Western Australia because it is CO_2 free, uses natural rocks or the natural subsurface geology to provide energy, and rather than trying to take an invasive approach and create energy, new technologies use what is already there. They are quite benign, very productive, and, indeed, some of the areas where licences are being let for geosequestration are also some of the best areas for geothermal. However, the problem is that we might compromise some geothermal energy by using geosequestration energy in the same area. Five years ago in a cooperative research centre study, Shell identified 15 sites across Western Australia, one of them between Perth and the Collie basin, where geosequestration was more likely. The problem is, as I have already stated, identifying that geological structure, which in some cases is at depth, and how uniform and unfissured those structures are. Most of the unfissured structures are ones we have already depleted from oil and gas extraction, because they were in a position to retain the material. We have already pumped water and CO_2 underground to displace that basic fossil fuel.

The Greens will let the bill pass. As I have said, I am to be proven wrong, but the technology will take about 20 or 30 years to come onstream in a major way, and I do not think it is going to be in the ballpark of our future thinking.

HON COL HOLT (South West — Parliamentary Secretary) [5.36 pm]: I want to make a contribution to the Petroleum and Geothermal Energy Legislation Amendment Bill 2013. Although I appreciate Hon Robin Chapple has spoken about the technical aspects of the bill, I will concentrate on the reality and not the economics or the technical aspects of carrying out carbon capture and storage. This bill is needed. As we move into the twenty-first century, new technologies need to be investigated to see how they can be used to benefit the planet or to address climate change.

I agree with the comment of Hon Robin Chapple that there are other ways of addressing energy needs and climate change challenges. I have worked in a couple of those fields and have often talked about the importance of industries such as oil mallee and the natural sequestration of carbon industry, which promised so much in the early stages of its development 20 years ago. It probably did not have the injection of enough funds needed to drive that industry as an alternative for carbon credits and potential carbon trading.

Hon Robin Chapple: The blue gum areas were used in the south west in developing a feedstock for power stations. The problem is that we developed the trees and we got no power station to use them in. You are right; we do need long-term thinking.

Hon COL HOLT: The oil mallee industry has suffered from that as well. I know that in some agricultural regions, oil mallee was a viable option and if we had invested the money we have spent on developing other industries to drive that industry, we may well have found ourselves in a different position.

However, we are dealing with this bill now, and I would like to concentrate on the aspects of the bill. I note that the commonwealth and other states have introduced similar legislation to this bill. If Western Australia is to consider this technology, we need to ensure that our legislation and regulations are aligned. Whatever happens in the future, such as new companies coming on board to look at doing it themselves, we need regulations, guidelines and rules to do that.

As an aside, I note the new federal government will scrap the carbon tax. It has been one of the debates.

Hon Robin Chapple: Not yet.

Hon COL HOLT: It has not done it yet.

Hon Nick Goiran: We will be talking about it tomorrow at length.

Hon COL HOLT: It would be good if solutions could be come up with for how that affects potential carbon trading and crediting, and the carbon price that may be traded through processes that this might take advantage of. I honestly do not know about the technical or economic capabilities that Hon Robin Chapple talked about, but if it is $75 to $80 a tonne, carbon prices at that level might be a long way off.

Hon Robin Chapple: It will actually be cheaper for people to use the carbon price than to sequester.

Hon COL HOLT: Yes.

I will deal with the bill. I thank the Leader of the House for postponing the debate so I could be in this place, as I was away last Thursday on urgent parliamentary business. The bill will amend the Petroleum Pipelines Act 1969, which gives the ability to transport some of that CO_2 from industries like the coal-fired power stations in Collie, where it would seem we would get the greatest advantage in using this technology to address some of the CO_2 emissions needs there, notwithstanding the price. Again, that is an economic and technical argument that I will not get into. In my view, we will have coal-fired power on our agenda in this state for a bit longer yet, which may not please everybody, but I am sure at this point in time that the people of the Collie community see it as the

lifeblood of their community. While we have power stations using coal, there will be some challenges with emissions and we should explore these sorts of processes. If we use these sorts of processes, we need to have some legislation adapted to their needs. Hon Robin Chapple also touched on the South West Hub carbon capture storage project. Has Hon Robin Chapple been there to have a look at it?

Hon Robin Chapple: Yes.

Hon COL HOLT: I am sure Hon Robin Chapple would have been very interested in it technically.

Hon Robin Chapple: I am interested in the technology, but I am worried about its cost.

Hon COL HOLT: Looking at some of the briefings I have had about it, it is a $52 million project, so it is not cheap. It will be a fair investment to prove up some of these technologies and we can argue all day long about where the investment should be, but that is the cost of this project. I note the question was raised about why the hub had to be in that particular area and why it is a target for this sort of technology. I will read something from a little booklet entitled "South West Hub: Carbon Capture and Storage". Under the heading "Why here?" it reads —

> Geologists from around the world recognise that deep formations of sandstone in saline aquifers are ideal for CO_2 geosequestration.

Spot on, mate; Hon Robin Chapple must have read this as well—very good. The booklet went on to state that there was a nationwide search for suitable subsurface storage reservoirs for man-made CO_2. Approximately 19 suitable sites were found around Australia, six of which are in Western Australia. One particularly good location is around the geological structure near Harvey in the southern part of the Perth basin, where what I think is called the Lesueur sandstone formation is relatively close to the surface, and which is, importantly, away from the Yarragadee aquifer, which supplies so much fresh water to the south west. Although we may say that it will never be used, it is kind of on our doorstep, so we need some legislation to guide our thinking about it. Again, because that location is so close to Collie, there is a real ability for us to look at how we might deal with CO_2 being emitted from the Collie power stations into that area. I have some concerns about the South West Hub, but they are probably not about the technology itself and more about the community, the environment and the people in that area. Many members would know the long history around Cookernup, Yarloop and the potential expansion of the Wagerup Alcoa refinery that was talked about 10 years ago. As the local member down there, people still come to me with concerns about emissions coming from Wagerup. I do not suggest for one minute that this technology and the trial of the South West Hub will cause any of those environmental or community problems, but there is a sensitivity from the perspective of the community, landholders and individuals about the operations of extractive industries such as petroleum and gas, or even about sequestration. In my view, the communities of Cookernup and Yarloop are probably hypersensitive to some of the activities going on there and I think we need to be conscious of that. I have also had various reports about the potential of people bulldozing and bullying their way on to the land whenever they want access to it to explore potential sites for carbon sequestration. If a site has been identified as one of the six in the state that are particularly good, there are some issues we need to sort out about land access and potential compensation or purchasing of the land or whatever it might be. I will get back to that topic a bit more in a minute.

An interesting aspect of the bill, which Hon Robin Chapple also spoke about, is that it is based on petroleum extraction legislation, and I quote from the second reading speech on the bill —

> The state's petroleum legislation has been adopted as the vehicle for the bill because greenhouse gas storage uses many of the same technologies as the petroleum industry. Many of the provisions in the bill follow the existing petroleum legislative regime.

That sounds about right from a technical viewpoint and I think Hon Robin Chapple also touched on that opportunity to use almost the same infrastructure and wells. It is fine from the viewpoint of technology, but I have had some issues and concerns about the fact that when the petroleum legislation came in, petroleum and gas were recognised as priority resources for the state of Western Australia, so there was probably some need or imprimatur, and when accessing land, the rights of landholders were probably not a high priority. That was probably something that could have been lived with because gas and petroleum were such important resources. The difference with this geosequestration process, and this legislation, is that nothing is being taken out of the land; something is being put back. Does there need to be the same priority and concern for and overriding of individual property rights or compensation; and would it be correct? To my mind, there is a fundamental difference between the situations and maybe we could have some answers from the minister about that. It seems to me that there are some basic questions about extractive processes versus sequestration and why land access issues are such a priority. Taking on board the comments of Hon Robin Chapple, if this geosequestration process or industry, if you like, gathers some speed and Western Australia has some great opportunities to pursue it and it is seen as a great site for it, not only in Australia, but also potentially around the world, we really need to sort out the land access issues. We know from some of the debates about coal seam gas in the eastern states or fracking in Western Australia that there is real concern from landholders about how their land is accessed for

exploration, and also for ongoing operations and the use of that land. I think we need to work on those sorts of things. In particular, I would like to talk a little about clauses 11 and 12 of the bill. Clause 11 provides the minister's officers, agents or workmen the power to enter upon and occupy any land for the purpose of looking for a potential geosequestration site. I think it also enables them to carry on with the potential geosequestration. Searching for a suitable land site for greenhouse gas disposal was therefore given equal footing with the exploration of strategic petroleum and geothermal energy assets. In essence, looking for a greenhouse gas depository is deemed to be just as important as finding petroleum geothermal energy, which I remarked on earlier.

With regard to negotiating for compensation, which I think comes under clause 12 of the bill, landowners are on an unequal footing when negotiating with a potential geosequestration proponent. They need to be on an equal footing when they negotiate with a multinational petroleum company or large Australian fracking company. The Nationals acknowledge that there is some concern among the people we represent in the regions over how individual landholders negotiate with Big Brother, if you like, for adequate compensation or even get their issues on the table. In many instances, landholders cannot afford access to quality legal services when dealing with proponents, who often have large, highly qualified and skilled legal teams to work on their behalf, so they do not seem to be on a level playing field. If we are introducing new legislation that perpetuates an issue, except this time it is providing for depositing material rather than extracting it, now is a good time to look at how property rights and compensation can be dealt with. The bill provides no opportunity for landholders to discuss land access concerns with the appropriately qualified body. I note that in both New South Wales and Queensland, commissions have been established, in part, to provide landholders with assistance when negotiating land access agreements. New South Wales landholders have access to the Land and Water Commissioner, while in Queensland, the relevant body is the GasFields Commission.

The Nationals would like to move a motion without notice. To give members some background, the Nationals have concerns about land access rights. We believe that the introduction of this bill provides an opportune time to look at that issue. This referral may flow on to some other land access issues related to some of those priority resources, although they may have been priorities 20 years ago but are not now. That may be another debate.

Discharge of Order and Referral to Standing Committee on Legislation — Motion

HON COL HOLT (South West — Parliamentary Secretary) [5.53 pm] — without notice: I move —

> That the Petroleum and Geothermal Energy Legislation Amendment Bill 2013 be discharged and referred to the Standing Committee on Legislation for the committee to consider clauses 11 and 12 of the bill and report to the Council by 19 November 2013.

I am sure every member here, especially regional members—maybe not those in the South Metropolitan Region—have had representation from constituents concerned that people have come uninvited onto their landholding seeking to explore for petroleum or minerals and have said, "We can do this and we're coming to do the exploration." I do not think landholders' rights have always been clear. Let us use this bill to examine that aspect and how we should treat compensation. We want to provide for adequate compensation that does not mean that the poor old landholder, who might be a sole trader or a small business owner, goes broke getting legal advice. Those clauses in this bill give us an opportunity to review that now.

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [5.56 pm]: I rise to support the referral of this bill to the Standing Committee on Legislation, and I reserve my right to respond to the second reading contributions. In supporting this motion, two things came to my mind. Firstly, depositing material is the opposite of extracting. This is the line of the oil and gas industry against the Mining Act. I am sure the Standing Committee on Legislation will come to the conclusion that the property rights are already in the bill. However, let me not pre-empt what the legislation committee will come up with.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [5.57 pm]: It is indeed a very interesting day when a member of the government benches seeks to refer its own bill to a committee. In my brief comments last week I —

Hon Helen Morton interjected.

Hon KATE DOUST: Yes, but they were articulate and to the point. I made my comments very succinctly and in those very succinct comments, I alerted the government that we had concerns about some aspects of the bill but we would deal with them at a later stage.

Several members interjected.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members!

Hon KATE DOUST: We have tried on a number of occasions in this place to refer quite contentious legislation to parliamentary committees and have been rejected. In fact, the Standing Committee on Legislation will not know what to do with this.

Hon Peter Collier: I told you to come and discuss it with me and I would listen to you.

Hon KATE DOUST: It is a shame that the National Party could not have afforded the same courtesy to its colleagues in this chamber with the heads-up that it wanted to refer the bill to a committee.

Hon Peter Collier: Did you let us know that you wanted to refer it?

Hon KATE DOUST: We have approached the minister in the past and talked about these things.

Hon Peter Collier: You have never approached me.

Hon KATE DOUST: Minister, I am on my feet and I would like to have a say about this. The minister will have an opportunity.

Several members interjected.

Hon KATE DOUST: I am disappointed, Hon Col Holt —

Several members interjected.

The DEPUTY PRESIDENT: Order, members! The Deputy Leader of the Opposition has the call.

Hon KATE DOUST: I am disappointed that rather than focus on those two clauses, the member has not given the broader community an opportunity to have a much broader inquiry into other details in this bill. Although I note the member's concerns and I understand that in the other house some very agitated government backbenchers were concerned about land access and use, I am sure Hon Robin Chapple will agree with me that some other areas of this bill could be looked at during the same inquiry. I do not know whether the member is open to an amendment to his motion to refer the bill, on the basis he has government support and the motion will be passed. If Hon Col Holt considered deleting the specific clauses and wording the motion so that it asks the committee to inquire into the bill generally, some other matters could be resolved by the committee rather than having to deal with them when the bill comes back into this place. It might be a better use of the committee's time. I do not know whether the government is open to doing that. The inquiry could still be conducted within the same period. I am sure the legislation committee is prepared to meet day and night to get a report finished!

Hon Robin Chapple: They would be excited.

Hon KATE DOUST: They would be extremely excited. It is a very exciting piece of legislation.

Hon Peter Collier: Why did you talk for two minutes on it?

Hon KATE DOUST: I am talking now. I am happy to talk at length about this.

Sitting suspended from 6.00 to 7.30 pm

Hon KATE DOUST: Before I was so rudely interrupted by the dinner break, I was commenting on Hon Col Holt's motion to refer parts of the Petroleum and Geothermal Energy Legislation Amendment Bill 2013 to the Standing Committee on Legislation. I find it quite interesting that we have another example of the National Party trying to set itself apart from its coalition partner, the Liberal Party, in government; it is trying to make itself look different. We are seeing a political fix with this referral tonight. This is about the National Party trying to appeal to its stakeholders, a job it did not do when this bill was dealt with by cabinet, signed off by the respective party rooms and passed through the Assembly with some debate. I am not too sure about the extent of debate by National Party members in the other place.

This motion is about giving the National Party breathing space so it can enable its stakeholders to comment on this bill. I do not have a problem with that at all, but it should have happened before the bill was introduced into Parliament. If this bill has such significant problems in these areas, the bill should be withdrawn. Last week the government saw fit to withdraw the Criminal Investigation (Identifying People) Amendment Bill 2013 from this place without notice because it identified that there had not been proper community consultation about the issue of headwear. I understand that the government is taking that bill back through the consultation process. Maybe that is what the National Party needed to do—that is, talk to the government before the bill was put on the notice paper. The National Party is part of government; it should have been able to resolve those issues. Obviously, something went wrong with Hon Col Holt's representation in cabinet between Ministers Redman, Waldron and Grylls, who have not talked to him or have not consulted the National Party's stakeholders about this issue. Maybe they were not even aware of this concern that their stakeholders have, so now the member wants to refer it to a committee. If he wants to refer parts of this bill to the legislation committee and if he wants it to do a really good job, it should be given the whole bill. I note that my colleague from the Greens is currently seeking to encourage the minister to perhaps engage and expand on this. If parts of this bill are going to be referred to the committee, it should have a much broader look at the legislation.

This motion will be passed; we know that the government and the National Party will support it. It is about fixing a problem for the National Party and fixing a problem for some of the backbenchers in the Liberal Party

because their stakeholders—their constituents—have obviously complained about the issue of land use. This matter should have been dealt with by the government before this bill was introduced to the house.

With those few comments, I conclude by saying that the opposition will not oppose the referral of clauses of this bill to the legislation committee. I think it is a healthy thing to do. I am just disappointed that we are not enabling the committee to have a broader look at other aspects of this legislation. I think we are missing an opportunity. I am sure that when we come back into this house and we go into Committee of the Whole at some point—very late in the year, obviously, now—other matters will come up that could quite easily have been dealt with by the Standing Committee on Legislation. That is my most significant disappointment. On that basis, we know the referral will go through, and we look forward to seeing the committee's report when it is tabled in this place on 19 November.

HON ROBIN CHAPPLE (Mining and Pastoral) [7.36 pm]: I would like to speak to the referral motion, which is extremely valid because I certainly think that landowners need to be assured of what may happen to their land. As a way of introduction, I am reminded of what occurred when we amended the Electricity Act 1945 by regulation in this place. Once we had established that the minister had the right to override the interests of individual landholders, that was then extended to corporations that acted of their own volition. Back in this place in about 2004 or 2005, we allowed a proponent to have the same rights as a minister. Obviously, in this case there is no mention of proponents but I am concerned that it might potentially be forthcoming in the future—that proponents will be given the same ability, as they have under the Electricity Act, to have free rein access to land without ministerial approval. It was an amendment to the Electricity Act.

Having said that, Hon Col Holt has moved a motion to refer clauses 11 and 12 of the Petroleum and Geothermal Energy Legislation Amendment Bill 2013 to the Standing Committee on Legislation. I appeal to the house, Hon Col Holt and the Leader of the House that we refer proposed sections 69JR, 69JS and 69JT to the committee. I will explain why I want to amend the motion—I will move my amendment shortly—moved by Hon Col Holt. Proposed section 69JR relates to closure assurance periods as a result of activity on land, which may be pastoral land, farmland or whatever. The minister may declare a closure assurance period if, at least 15 years after the site closing certificate is issued, the minister is satisfied that the greenhouse gas substance injected is behaving as predicted. The problem I have with that to a large degree is that in 15 years we will not know whether that is happening. The Gorgon agreement in the Barrow Island Act, which was passed in this place, made that 75 years, and even then 75 years was considered to be a fairly short time frame. In my view, 15 years to determine that land may or may not be impacted on as the result of geosequestration is very early days. So we have dealt with that. The explanatory memorandum on proposed section 69JR refers to there being no significant risk that the greenhouse gas will have a significant adverse impact on the geological integrity of the formation, the environment, or human health or safety.

The second part of my proposed amendment, when I come to it, relates to proposed section 69JS, which follows on from that. It refers to indemnity against long-term liability—in this case, the point made by Hon Col Holt—and relates to aspects of compensation for liability associated with anything going wrong on a farming or pastoral lease. We need to understand to whom that liability for compensation will go. There is no indication in proposed section 69JS that compensation for liability will go to anybody other than somebody who has insured for compensation against a carbon dioxide loss that they have incurred through a greenhouse commitment. Proposed section 69JS does not mention whether, in the event that things go wrong, the state will compensate any landholder. I will read the essence of what the explanatory memorandum says on that so that members can get a clear understanding. It states —

> Long-term liability refers to risks beyond the operational phase of the project; the risks of harm to health, the environment, or property due to the leakage or migration of injected carbon dioxide. These risks can be minimised by ensuring a rigorous and robust site selection process, and effective monitoring and verification. Long-term liability involves both statutory liability and liability under common law.
>
> The issue of liability is complicated by the fact that liabilities for greenhouse gas storage projects will run for centuries and extend far beyond the life of most companies and insurance contracts. In this instance, as with other industries, government would assume liability by default.

This is what has happened with Gorgon. The state has agreed to pick up liability for the failure of the geological structure under Barrow Island to retain the carbon dioxide. In that context, compensation is not about compensating the people of Barrow Island—there are no people there—but about compensating against the offset that geosequestration provides to the proponent. It is therefore not about compensation to a landholder; it is about compensation to a proponent—or actually not the proponent, because the proponent might be long gone by that stage. Because there is a contract to offset those CO_2e depositions through a carbon process, carbon tax or whatever we want to call it, companies currently geosequestering can apply for a compensation package. If the carbon dioxide fails to be retained underground, those payments have to be repaid and the state and federal

governments pick up the tab for paying those compensation streams. I can see nothing in proposed section 69JS that refers to the interests of a landholder. I am therefore concerned that that needs to be tested, and the best way to test that in my view is via a committee.

I will go on to read further from the explanatory memorandum on proposed section 69JS and then I will come to proposed section 69JT —

> If the closure assurance period is declared, then the State will, subject to conditions which may be specified in the regulations, indemnify the GHG title holder —

That is, the greenhouse gas titleholder, not the landholder —

> for liability for damages for any act or omission done in the carrying out of operations authorised by the GHG title incurred or accrued after the end of the closure assurance period.
>
> Section 69JS(3) provides for the standing requirement for the amount of any indemnity to be charged to Treasury's Consolidated Account.
>
> **Section 69JT – State to assume long term liability if licensee has ceased to exist**
>
> Similar to the circumstances detailed in section 69JS, this section provides that the State will also assume long term liability if the GHG titleholder —

It is important that I make the point that it is the greenhouse gas titleholder —

> has ceased to exist.
>
> Section 69JT(3) also provides for the standing requirement for the amount of any indemnity to be charged to Treasury's Consolidated Account in the event that the licensee has ceased to exist.

Unfortunately, we will not be going into a Committee of the Whole in this chamber, but I can see nothing in any of those three proposed sections that identifies whether in any way compensation is for a landholder.

I mentioned earlier that one of the problems with geosequestration in the past was where leakage had a marked effect on the cropping ability of the associated land. In some cases crops had grown much better; in other cases crops had failed. I therefore urge Hon Col Holt to agree to my amendment to his motion. I do not think it will in any way, shape or form add to the length of time of the inquiry by the committee because it is attendant on the very two points on clauses 11 and 12 raised by Hon Col Holt. I have spoken to the minister in charge and I understood that he would consider my proposed amendment. I tried to contact people during the dinner break but I could not get hold of anybody. It is my intention now to move the amendment standing in my name. I hope I have typed it out correctly. I did not have the assistance of the Clerk to do it.

Amendment to Motion

Hon ROBIN CHAPPLE: I move, without notice —

> To amend the motion of referral standing in the name of Hon Col Holt to delete "and 12" and add the words "12, 69JR, 69JS and 69JT".

Alteration of Amendment

The DEPUTY PRESIDENT (Hon Simon O'Brien): Members, Hon Robin Chapple has moved an amendment to the motion. I will require some copies to be made of the amendment. A technical difficulty with the amendment has been pointed out to me. I think we can fix it with your concurrence, but you really need to have it in front of you to work through it, so we will just pause for a moment.

Members, the proposed amendment has now been circulated and I have some suggested substitute words that the mover may wish us to adopt. I note that his comments were all about examination of proposed sections 69JR, 69JS and 69JT, but of course they are just parts of clause 81 of the bill. I anticipate that Hon Robin Chapple may want to move to amend the motion of referral in the name of Hon Col Holt and delete the words "and 12" and add the words "12 and that part of 81 which proposes new sections 69JR, 69JS and 69JT". Did I infer correctly?

Hon Robin Chapple: You did indeed, Mr Deputy President.

Amendment, as Altered

The DEPUTY PRESIDENT: Members, we are now dealing with the altered amendment moved by Hon Robin Chapple, the wording of which has now been circulated. I hope that that is now clear. The question now is that the words proposed to be deleted be deleted.

HON KEN BASTON (Mining and Pastoral — Minister for Agriculture and Food) [7.55 pm]: The government will not support the amendment. Without going into the detail of what we would normally do in committee, proposed sections 69JI and 69JT actually answer that question. Compensation has to be paid up-front or agreed to before people go onto the land. This is having a second bite of the cherry. In the context of the whole bill, we will not support the amendment.

HON COL HOLT (South West — Parliamentary Secretary) [7.56 pm]: I understand the reason that Hon Robin Chapple wants to include other parts of the bill in the motion to refer the bill to the Standing Committee on Legislation. Issues to do with these proposed sections were not raised with us when we looked at the bill. We have been caught on the run a little. Land access and compensation at that point is a slightly different issue. That is the challenge for us in whether we accept this amendment to the motion. There is some recourse to get some answers from the minister about those proposed sections. Obviously, if the bill is referred to the committee, it will allow extra time for the member and I and others to get together to see whether we cannot get more answers on this particular aspect of the bill without having to refer it to the committee. At this time, I will not accept the amendment. I support the original motion.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [7.58 pm]: I thank Hon Robin Chapple for seeking to expand the referral motion to include some other significant matters. Indeed, I go back to my earlier comments that perhaps the whole bill should be referred to the committee. I note the comments of both the minister and the National Party. I thought it would have been a much better option for Hon Col Holt's stakeholders to examine the proposed sections referred to by Hon Robin Chapple as part of the committee inquiry process. It may have assisted them to have a voice and to make comment in submissions. I am sure that they are concerned with these issues as well. I would hate for them to miss an opportunity whereby we discuss it in this place in November and they have not been able to put their views on the record. As I have said, we will support Hon Robin Chapple's amendment to the referral motion. Sadly, I can do the numbers and I do not think it will get over the line, but all power to Hon Robin Chapple for moving it.

HON KEN TRAVERS (North Metropolitan) [8.00 pm]: I want to understand the procedure to follow. I assume if we support this amendment, and Hon Colin Holt's amendment gets up, we will not be able to proceed with the rest of the bill, even though we are referring only a section off to the committee, and the house will not deal with the rest of the bill until the committee reports. Can you confirm that that would be the process, Mr Deputy President?

The DEPUTY PRESIDENT (Hon Simon O'Brien): That is correct. The motion is that the bill be discharged and referred to the committee. Even though the committee's terms of reference are only for that narrow part, the bill is still discharged from the notice paper and, therefore, the house will not proceed with the bill until it returns from the committee.

Hon KEN TRAVERS: Thank you for that guidance. If people are of the view that elements of this legislation need to be referred to the committee, I do not understand why we would constrain the committee to what it can examine. This is a stunt for elements of the government to try to pretend they are not part of the government so that they can run around in their electorates and undermine loyal government members. Disloyal members of the government want a vehicle to do that. We support the referral of the bill to the committee so that the committee can do its work and consider all aspects of the bill. No harm is done by allowing the committee to examine all parts of it because it has a fine time line in which to report. There is a government majority on the committee and it will make sure the bill is returned within that time frame, so for the National Party to ask members to support the referral of the bill to the committee and then limit it shows that this is nothing other than a stunt.

Amendment, as altered, put and negatived.

Question put and passed.

PROTECTION OF THE IDENTITY OF JOURNALISTS' INFORMANTS

Motion

Resumed from 12 September on the following motion moved by Hon Peter Collier (Leader of the House) —

> That new standing order 201, as outlined in the schedule to this motion, be adopted by the Council and that the standing orders be renumbered accordingly.
>
> **Schedule**
>
> **201. Protection of the Identity of Journalists' Informants**
>
> (1) Where a journalist is examined before a Committee or the Council and, in the course of such examination, is asked to disclose the identity of the journalist's informant and refuses, the Council shall consider whether to excuse the answering of the question pursuant to section 7 of the Parliamentary Privileges Act 1891.
>
> (2) In considering a matter under (1), the Council shall only order the disclosure of the identity of a journalist's informant if the Council is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs —
>
> (a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and

(b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.

(3) Without limiting the matters that the Council may have regard to for the purposes of this Standing Order, the Council must have regard to the following matters —

(a) the probative value of the identifying evidence in the proceeding;

(b) the importance of the identifying evidence in the proceeding;

(c) the nature and gravity of the subject matter of the proceeding;

(d) the availability of any other evidence concerning the matters to which the identifying evidence relates;

(e) the likely effect of the identifying evidence, including the likelihood of harm, and the nature and extent of harm that would be caused to the informant or any other person;

(f) the means available to the Council to limit the harm or extent of the harm that is likely to be caused if the identifying evidence is given;

(g) the likely effect of the identifying evidence in relation to —

(i) a prosecution that has commenced but has not been finalised; or

(ii) an investigation, of which the Council is aware, into whether or not an offence has been committed;

(h) whether the substance of the identifying evidence has already been disclosed by the informant or any other person;

(i) the risk to national security or to the security of the State;

(j) whether or not there was misconduct on the part of the informant or the journalist in relation to obtaining, using, giving or receiving information.

HON NICK GOIRAN (South Metropolitan) [8.04 pm]: I am pleased to continue my remarks for the third time on this very important motion, which will insert a new standing order into the standing orders. On the two occasions I have spoken on this matter, I have said that this is a matter of significant import for all members of this chamber. For those members who missed the first two instalments, it is important to understand that members of this place are being asked to restrict the activities of a committee in a small way. If a parliamentary committee believes it is important to know the source of information provided to a journalist appearing before it, the committee will be responsible for examining this new proposed standing order and making a decision in respect of it. Committees presently do not need to do that, so it is important that before we sign off on this we have a good understanding of the matter.

When we debated this matter on Thursday last week, I spent some time providing for the benefit of members a summary of the recent Supreme Court case involving Mr Steve Pennells of *The West Australian* and Gina Rinehart. Without repeating everything I said last Thursday, I made it clear that the case before the Supreme Court was the first opportunity for legal consideration of this shield law in Western Australia. For the benefit of members I want to spend more time unpacking what happened in that case, which, as I said last Thursday, is the type of consideration that members of this house will need to give in the event they are required to consider this standing order at a later stage. In the limited time I have this evening I also hope to make some reference to Liu v The Age Company Limited, a case I mentioned in the substantive debate in the thirty-eighth Parliament on the Evidence and Public Interest Disclosure Legislation Amendment Act 2012, and to provide an update on that case. The High Court made a decision on the application for special leave on 6 September, only 11 days ago, and I want to update members on that matter and provide some contrast and comparison between the two cases.

The important Liu v The Age Company Limited case was a defamation case in the New South Wales Supreme Court last year. The court found in that case it was in the public interest to allow Ms Liu to be told the identity of informants from whom *The Age* obtained information, alleging that she made certain payments to people, including Joel Fitzgibbon, the federal Minister for Defence from 2007 to 2009 in the first Rudd government—not to be confused with the second Rudd government. The court said there was a public interest in allowing the plaintiff to be told the identity of the informants because that outweighed the public interest of allowing journalists the right to refuse to disclose the identity of a source, and the court determined it would be appropriate for the source to be revealed.

That, of course, is in sharp contrast with the Pennells case that I spoke about last week, in which Justice Pritchard determined that there would not be a need for the source to be disclosed. So we have these two recent

cases, one in New South Wales last year and one in the Supreme Court of Western Australia this year, in which two very different decisions were made. Therefore, it is important—I think it is incumbent on us—that we understand why those decisions were made, why there was a difference and, in my argument, the impact on us, as members of Parliament, once this proposed standing order is enshrined into our book of standing orders.

To explain a bit more about the Liu case, in that matter the court was required to consider the application of the Uniform Civil Procedure Rules 2005, which were made under the Civil Procedure Act 2005 in New South Wales. The court was required to consider that application from the plaintiff, Ms Helen Liu, for an order that the defendants—the defendants were *The Age* newspaper and three of its journalists—provide information that would assist Ms Liu to identify the informants to enable her to commence proceedings against them for defamation.

I have a reasonable understanding of the case, having written a paper that will be published in *The Western Australian Jurist* next month. As I look at my notes in respect of that article, I note that in that case the court considered section 126B of the Evidence Act 1995, which is, of course, a New South Wales act. The provisions of that section closely reflect the new section that we inserted into the Evidence Act 1906 by virtue of the act that I spoke about earlier, which is, of course, the Evidence and Public Interest Disclosure Legislation Amendment Act 2012. In that New South Wales case, Justice McCallum said, in part, at pages 168 to 170 of the judgement —

> In my assessment, the present case sits poised uncomfortably on the fault-line of strong, competing public interests. The position is complicated by the fact that, to a significant extent, the respective positions of the plaintiff and the defendants rest on conflicting factual contentions which cannot satisfactorily be resolved in the present proceedings.
>
> The defendants' case is that, following lengthy and careful negotiation, they obtained documents which reveal the making of corrupt payments by the plaintiff to a Federal Member of Parliament. They contend that the documents were obtained from sources who entertain real and substantial fear of reprisal in the event that their identities are revealed, contrary to undertakings given to them by the defendants. Accepting those contentions without qualification, there would be a strong case for refusing the discretionary relief sought by the plaintiff.
>
> Conversely, the plaintiff's case is that a person or persons conducting a vendetta against her have provided documents to journalists which have been deliberately forged or falsely attributed to her. Accepting those contentions without qualification, to refuse the relief sought would perpetuate the fraud. That would plainly be a strong reason for exercising the Court's discretion in favour of the plaintiff.

It is important for us, as we consider these matters, to understand that the hearing of that case preceded the passage of the New South Wales Evidence Amendment (Journalist Privilege) Act 2011, which inserted sections 126J to 126L into the Evidence Act 1995. I appreciate that members of this place may not be familiar with those sections, so let me take the opportunity to quickly identify section 126K. It reads as follows —

> (1) If a journalist has promised an informant not to disclose the informant's identity, neither the journalist nor his or her employer is compellable to give evidence that would disclose the identity of the informant or enable that identity to be ascertained.
>
> (2) The court may, on the application of a party, order that subsection (1) is not to apply if it is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs:
>
> (a) any likely adverse effect of the disclosure on the informant or any other person, and
>
> (b) the public interest in the communication of facts and opinion to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.
>
> (3) An order under subsection (2) may be made subject to such terms and conditions (if any) as the court thinks fit.

In that case it is not clear whether the court's decision would have been any different if these provisions had been in effect; in other words, as I have outlined earlier, the Liu case and the decision that was made took place before the insertion of these, if you like, statutory shield laws in New South Wales, so it is not clear whether the court would have made a different decision had those shield laws been inserted at that time. This is a very important point because, as I will identify in a moment, that is once again a sharp contrast with the Pennells case in Western Australia, for reasons that I will explain in a moment.

I think it is worth noting, however, that the matters that a court is required to take into account were explored in that Liu case in a discussion of the considerations underlying the newspaper rule, which is set out in the High

Court case of Cojuangco. In that case, which is a 1988 case—the reference is HCA 54—an important part of the judgement, which I propose to quote now, states —

> … the rule is one of practice, not of evidence. Secondly, although the rule rests on a recognition of the public interest in the free flow of information, the law gives effect to that recognition of the public interest by exercising a discretion to refuse to order disclosure of sources of information in interlocutory proceedings in defamation and, perhaps, other analogous actions, even though disclosure would be relevant to the issues for trial in the action. The law does not protect that public interest to the extent of conferring an immunity on the media from disclosure of its sources.

It seems to me that the option for a court to order a journalist to disclose the identity of a source does not, of course, arise only in civil proceedings. In a criminal case, the court may judge that the public interest in obtaining evidence directly from the anonymous informants about alleged crimes outweighs the public interest in protecting the anonymity of a journalist's informants.

With respect to that Liu case, as I mentioned a little earlier, there has been an interesting development. I have spent some time referring to the case at first instance in the New South Wales Supreme Court. However, it has been subject to further consideration, and as recently as only 11 days ago, on Friday, 6 September 2013, the High Court of Australia rejected a special leave to appeal application by the Fairfax newspaper and journalists Richard Baker, Philip Dorling and Nick McKenzie at a hearing in Sydney. From what I have been able to ascertain, these individuals were attempting to appeal the February 2012 New South Wales Supreme Court decision to which I have referred. That is of course the one in which Ms Liu was granted access to documents in the possession of these journalists relating to the identity or whereabouts of three of their sources. In that judgement, as I have said, Justice Lucy McCallum found that a journalist's pledge to keep a source confidential "is not a right or an end in itself" and could be overridden in the interests of justice. Having said that, the High Court has found that there were no grounds for special leave. At the time of preparing my notes on this matter yesterday, the judgement was not then available, but we are familiar with the outcome of the case.

As I have said, it is important for us to understand that the Liu case, in which the journalists were required to disclose their sources, is quite different from the Pennells case in Western Australia, which I will speak a little further about in a moment. One key reason for that is that the New South Wales 2011 shield law amendments did not apply to the Liu case as the hearing had commenced in October 2010, which was of course well before those New South Wales amendments took effect. Even though the decision was made after they came into effect, the law can only be considered at the time the application was made in the first instance, and the hearing had commenced in October 2010; in other words, it was not retrospective. In sharp contrast to that is the Pennells and West Australian Newspapers Ltd case with Gina Rinehart, because in that instance Justice Pritchard had the benefit of the shield laws that we inserted into the relevant legislation last year. As I mentioned on Thursday last week, I think it is instructive for members to be familiar with that case. I have selected a few short passages from that decision, which was handed down on 6 August this year, so it is extremely recent. At paragraph 151 of the judgement by Justice Pritchard there is an examination of the competing public interests we have spoken about. These are the competing public interests that members of this place will need to be familiar with in the event that they need to consider this standing order in the deliberations of their committee evidence and what they might do with regard to a witness who appears before them. Paragraph 151 of the judgement reads —

> The balancing exercise contemplated by s 20J(2) involves the weighing of competing public interests to determine if a direction will be given to a journalist or his or her employer to give identifying evidence. On the one hand, s 20J(2) directs attention to the public interest in the communication of facts and opinions to the public by the news media, and the ability of the news media to access sources of facts. The enactment of the Shield Laws, of itself, confirms that this is a strong public interest, and the passage from the Second Reading Speech for the Bill which is set out above confirms that this strong public interest was a key reason for the enactment of the journalists' protection provisions.

The judgement then goes on in paragraph 152 —

> On the other hand, s 20J(2) recognises that in some cases other public interests may outweigh this public interest in the communication of facts and opinions by the media. Section 20J(2) refers to the 'public interest in the disclosure of the identity of the informant'. This phrase appears to encompass a variety of other public interest considerations, the nature of which can be discerned from the factors in s 20J(4), such as the public interest in the administration of justice (which is usually served by all evidence relevant to the determination of a matter being before the trier of fact), the public interest in a fair trial for a person accused of a criminal offence, and the public interest in the maintenance of national security or the security of the State.

At the start of paragraph 153 of the judgement there is a consideration of the factors in section 20J(4). Honourable Justice Pritchard stated —

> A person acting judicially is required to take into account a large number of considerations to determine whether a direction should be given under s 20J(2) that the journalist or his or her employer give identifying evidence.

It seems to me that the same 10 factors listed in section 20J(4) are replicated in the proposed new standing order that is before us for consideration. I suggested on the last couple of occasions on which we had the opportunity to discuss this matter that members should take heed of the observations by the learned judge, as in any future committee inquiries in which they need to make a decision under this standing order there will be a large number of considerations to which they must turn their mind. As I have said before, committee members will in effect need to undertake a similar exercise to the one Justice Pritchard has undertaken, because the standing order we are considering is, in essence, a short summary of the factors we inserted into the legislation last year. I think it is useful for us to consider paragraph 158 of the judgement of Justice Pritchard, which reads —

> As for s 20J(3)(e), there is limited evidence as to the likely effect of disclosure of the identifying evidence. There is no information about the harm that might be caused to an informant if evidence were given of the identifying information. However, there is evidence of the likely effect of disclosure on Mr Pennells, namely that disclosure of the identifying evidence would constitute a breach of a fundamental ethical obligation on him as a journalist.

In my humble opinion, paragraph 158 is a very significant observation by the learned judge. In essence, she said that we need to consider whether requiring a journalist to disclose identifying information about an informant would be likely to cause harm to the informant or any other person, which members of committees will be required to consider under the proposed new standing order. My reading of it is that this new standing order will be standing order 201(3)(e). It will be evident that harm will be caused to at least one such other person, namely the journalist concerned, who would be forced to breach a fundamental ethical obligation of his or her profession as a journalist or face penalties for refusing to do so. It is important that members be familiar with that significant observation by Justice Pritchard at paragraph 158 of the judgement.

Further matters that need to be considered by members when they consider these matters and the proposed standing order are well covered in paragraphs 164 through to 166 of the judgement by Justice Pritchard. I will take the opportunity to quote those paragraphs, because as I say, it is very important that members are familiar with those passages of the judgement. At paragraph 164 Justice Pritchard stated —

> Taking all of these factors into account, I return to the balancing exercise contemplated by s 20J(2). There are some factors which would tend to support the public interest in the disclosure of the identity of the informant in this case. The arbitration involves a civil dispute, and the identifying information in the document sought, if given in evidence, appears likely to have significant probative value in respect of the allegations of breach of the Hope Downs Deed. However, the strength of this consideration is ameliorated by the fact that it appears that this identifying evidence would supplement existing evidence already available in respect of the alleged breaches of the Deed.

[Member's time extended.]

Hon NICK GOIRAN: Quoting from paragraph 164 of Justice Pritchard's decision, I continue —

> (I note that in New Zealand, where similar legislation has been enacted, it has been held that where a prosecution has sufficient evidence of the identity of an informant from other sources, it is unlikely that a direction would be given to a journalist to give identifying evidence.)

Justice Pritchard then goes on in paragraph 165 and states —

> On the other side of the equation, there is no evidence as to the likely effect of the disclosure of the identifying evidence on any informant, but there is evidence that the disclosure of the identifying information would involve requiring Mr Pennells to breach a fundamental ethical obligation.
>
> In addition, there is the strong public interest in the communication of factors and opinions to the public by the news media and in the ability of the news media to access sources of facts. In my view, the presumptive right to the protection in s 201 should not be departed from lightly, and only after a careful weighing up of the competing considerations.

In the final paragraph, the learned justice says —

> Having weighed these competing considerations, I am not satisfied that the public interest in the disclosure by Mr Pennells or —

The West Australian newspaper —

> of identifying information of the kind contained in the documents sought, would outweigh the likely adverse effect of that disclosure by Mr Pennells and the public interest in the communication of facts and opinions to the public by the news media, and the ability of the news media to access sources of facts.

Members will note that in these various quotes I have shared this evening, the learned judge engages, as required by the shield laws passed by this house last year, in an exercise of weighing these competing considerations. It is the same exercise of weighing competing considerations that the proposed new standing order 201(2) would impose on members when a committee is faced with a journalist seeking to protect a source. The proposed new standing order would direct the attention of members—just as the new provisions in the Evidence Act directed the attention of the learned judge—to the factors to be considered. However, that exercise of weighing competing consideration necessarily involves matters of judgement, which will require members to act with wisdom and prudence. That is why on Thursday last week I suggested it would be very important for not only members to be properly trained on this new standing order but also for advisory officers of committees to be properly trained on the implication of this new standing order. When the situation arises, they will be properly in a position to enact a process where they will undertake this weighing up exercise.

I suspect that there is not a proper appreciation by members of the significance of inserting this standing order in the event of someone finding his or herself having to use it. It will be far more complex, may I suggest with the greatest of respect, than anything any of the members will have had to deal with in the committee up until this time. That is proven by the lengthy exercise that the learned judge in the Supreme Court has had to undertake in a similar vein.

As I look to close my remarks, I want to take the opportunity to quote two more sections from the judgement. The first is paragraph 174, where Justice Pritchard states —

> Fifthly, I have not overlooked the fact (as I have noted above) that private interests in maintaining the confidentiality of information in documents sought under a subpoena will ordinarily give way to the public interest in the administration of justice. However, the enactment of the Shield Laws means that the confidentiality of information provided to journalists by informants is no longer (if it ever was) a matter of purely private interests, but is now recognised as a strong public interest, which may outweigh other public interests which apply in relation to the production of documents for the purposes of litigation.

In passing this proposed standing order, it appears to me that the house would, while maintaining its proper independence, nonetheless make a clear statement that even in regard to its own proceedings, it recognises that the confidentiality of information provided to journalists by informants is no longer, if it ever was, a matter of purely private interests, but is now recognised as a strong public interest. It is an interest that may outweigh other public interests that apply to the production of documents or to the giving of evidence for the purposes of the proceedings of committees or of the council.

The final paragraph I seek to quote from in the judgement is paragraph 176. There, Justice Pritchard states —

> I would, however, emphasise that the conclusion I have reached in this case is entirely confined to its facts, both as to the terms of the subpoena itself, the nature of the issues in dispute in the arbitration, and the evidence before the Court. The result in this case does not mean that a subpoena for the production of documents held by a journalist or his or her employer could never be enforced.

For our benefit, the passing of this proposed standing order does not mean that there will never be an instance in which a committee or this Council may not—after carefully weighing up the competing public interests in the light of each of the 10 specified factors—determine that a journalist should be compelled to disclose the identity of an informant or confidential information supplied by an informant. However, passing the standing order would help ensure that no such order is made without a proper deliberation process. It is for those reasons that I have suggested it is very important that members are familiar with the proposed standing order, its implications, and how they—as members of the committee, particularly chairs of the committee—will seek to undertake a process to fulfil that deliberation exercise; that is, the weighing up of the competing interests. It will be very important for committee chairs, deputy chairs and members of the committees to be familiar with that process. Because frankly, if members do not avail themselves of that opportunity, they will not be undertaking the exercise in the spirit in which it is intended.

Members will recall the original intention was for this provision to be in the substantive act; namely, the Evidence Act. We made a decision in the thirty-eighth Parliament that instead of doing what relates to parliamentary proceedings, we would house those same provisions in the standing orders. That is why we now have to consider this matter in addition to the bill that we considered in the thirty-eighth Parliament. The spirit of what was intended was for those same considerations to apply in every instance, including before parliamentary committee proceedings. If that is the case and if we are expecting of others that their consideration will be as significant and weighty as that of Justice Pritchard in very recent times in this case that I have spent some time outlining for the benefit of members, it is incumbent on us to ensure that we are adequately briefed, skilled and trained so that we will be in a position to properly do likewise in the event that we find ourselves in that situation.

I acknowledge that these situations are rare. In the four and a half years that I have been in this place, I have not been involved in a committee where there has been a need to get a journalist to disclose their source. However, no doubt it arises from time to time and there would have been experiences of that sort. To the best that I can recall, I do not remember that being the case in the thirty-eighth Parliament. In a sense it is fortunate for us that the likelihood of us needing to undertake this weighing-up exercise will probably be remote. Inevitably, it will happen and four, five or however many members of a committee will find themselves having to say, "What do we do with this standing order? What do we do in this situation? It is in the greater public interest that this information be made known. What will we do?" At that point, the members will need to be in a strong position to undertake the exercise that will be required and expected of them. If we are to pass this standing order this evening, we will be telling those members what we expect them to undertake. I do not know whether I or probably other members look forward to that day because I anticipate that it will be a most robust matter requiring consideration. In all probability, it will be a scenario on which I suspect a committee might call for some specialist legal advice. It would not surprise me if that was the case.

Hon Ken Travers: I suspect they'd refer back to your speech first though.

Hon NICK GOIRAN: That would be a good starting point. I suspect a better place to go would be the judgement of Justice Pritchard in the case that I have outlined. Why is that? That was a very useful interjection by Hon Ken Travers, as usual, because the justice has already undertaken the exercise pursuant to the new legislation that we passed last year. In other words, the spirit that is intended in this evening's proceedings is exactly the same spirit that was required of Justice Pritchard.

Hon Ken Travers: Some committees have already had to go through that effectively without a standing order—the judgements that are required under this standing order in the past anyway.

Hon NICK GOIRAN: That is right. I look forward to the member's contribution on this important matter. As Hon Ken Travers has outlined, that is why I have spent some time contrasting the two cases—the Liu case, for which we did not have the benefit of the statutory creation; and the Pennells case, for which we did have that benefit. Interestingly, that is perhaps why there were two different results. In the Liu case, the journalists were required to provide the information. They were even unsuccessful recently before the High Court in getting leave to appeal. Contrast that with the Pennells case where the Supreme Court said, "No. When we weigh up these factors that the Parliament of Western Australia requires us to weigh up, we are not going to require Mr Pennells and *The West Australian* newspaper to reveal their sources." Whether that has an implication for committee members remains to be seen. I suspect that it will not happen too often. It is a very weighty matter.

I conclude by strongly urging members to take the time, firstly, to become familiar with this proposed standing order in the event that it passes with the will of the house this evening; secondly, to go away and consider Justice Pritchard's decision; and, thirdly, particularly for members who are part of a committee run under the auspices of the Legislative Council, to ensure that their committee staff—their advisory officers—also do the same thing. It will be interesting to see whether the other place decides to do anything about this matter because obviously we would hope to see the same rule apply consistently throughout the Parliament.

HON PETER KATSAMBANIS (North Metropolitan) [8.45 pm]: It is a great pleasure to speak to and indicate my support for a motion that effectively will extend the same type of protection for journalists that was contained in the shield laws passed in the last Parliament. It will extend that protection to their interactions with the Parliament and, in particular, through the parliamentary committee process. As I stated, I support this motion.

I support the amendment to our standing orders in this place to incorporate this protection for journalists in their interactions with Parliament. As members of Parliament, we have a long-storied and interesting interaction as a profession with the profession of journalism. In a lot of ways we rely on each other and we feed off each other, sometimes positively, occasionally negatively. Through that interaction—I think I speak for everyone in this place—we have come to have a greater appreciation of the role of the journalist, their high ethical and moral standards and their commitment to their profession.

I do not think I am in a unique situation but I am in a very interesting and relatively rare situation in that I am married to a journalist. My better half, Karalee, has been a journalist for many years. Although currently on a sabbatical to raise our lovely young family, she is one of those very committed journalists that I know. Through both my relationship with my wife and meeting all her friends and from the many friends I have in the journalism profession, I have come to understand the strong commitment that journalists have to an ethical and probably also a moral obligation that they feel towards their sources—their informants. It is axiomatic to their being that journalists believe they must protect their sources as part of undertaking their job to continue to inform the public in a non-partisan way. Some people in various professions may find that difficult to accept. Perhaps because I come from the legal profession, I can understand that strong commitment to this ethical cause that journalists have because the legal profession has what it calls legal professional privilege. I will not bore the house with the various interpretations and incarnations of legal professional privilege tonight, suffice to say that it is sometimes split into two. It is split into advice privilege and litigation privilege. I still count myself as a

lawyer, even though I do not practise it. My learned friend and colleague Hon Nick Goiran was also a lawyer, as was the Attorney General, and I think there are others in this place, including the Chair of Committees, who were lawyers. Apologies to anyone I have missed out. We have a strong philosophical commitment to legal professional privilege. It is something we grew up with; it is something we are taught through law school; and it is something we implement in practice. It is the same with journalists: they grow up in their profession holding true to the fact that they ought to protect the identity of their informant at times when that informant—the person providing the information—seeks anonymity. I therefore understand and accept the philosophical commitment to that ethic.

Hon Ken Travers: And we as members of Parliament have privilege.

Hon PETER KATSAMBANIS: I will get to that, Hon Ken Travers.

Unfortunately, until recent times journalists have had no legal backing for that ethical commitment to the protection of their sources. It has been described in many legal academic textbooks as a fuzzy area of the law—an unsettled area of the law, to use more formal language—that has presented journalists with various dilemmas. A glowing example of that is the case of *The Age* journalists, colloquially referred to as Baker and McKenzie after the name of an old law firm, whom Hon Nick Goiran mentioned in the Liu case in his very learned and expert speech on this motion.

That lack of certainty and lack of clarity has been the cause of concern to journalists over many years. In a few cases, as has been highlighted, they have fallen foul of courts and tribunals that have ordered them to reveal their sources. Of course, such revelation offends their commitment to the ethical and moral obligation they have as journalists to protect a source that has requested anonymity, and it places them in an almighty dilemma. That is why, over the last few years, jurisdictions across Australia, including this one, have chosen to enshrine in legislation that code of ethics of journalists in what have become known as journalists' shield laws. I think that is a great thing. In this state, the previous Parliament, of which I was not privileged to be a member, passed those laws giving effect to that commitment.

[Quorum formed.]

Hon PETER KATSAMBANIS: As I was saying, in the previous Parliament the government implemented the commitment it gave at the 2008 election to introduce these shield laws insofar as they apply to our legal process. Of course, Parliament is not a court and it is not a tribunal. The laws as they apply to procedures in courts do not apply to Parliament, which is why the government has chosen—completely bipartisan or, I hope, multi-partisan—to undertake this task of updating our standing orders to reflect as closely as possible the shield laws that have been passed into law and, as they apply in courts, to apply in Parliament, especially to deliberations in parliamentary committees. As parliamentarians we know a little about privilege. We have parliamentary privilege. Journalists' shield laws, as enshrined in this proposed standing order, are not exactly privilege; I will use the term a "rebuttal presumption", but a very strong presumption, in favour of the protection of a source. That strong protection is contained in proposed standing order 201(2), which reads —

> … the Council shall only order the disclosure of the identity of a journalist's informant —

This has regard to all of the issues we are looking at —

> if the Council is satisfied … that the public interest in the disclosure of the identity of the informant outweighs —

I emphasise the term "outweighs" and I will return to that —

> (a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and
>
> (b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.

We, therefore, as Parliament, as the Council and as a committee of Parliament, will be charged with a balancing act when these matters come before us. Like my good friend Hon Nick Goiran who spoke before me, I hope that these matters are very rare, but when they do come before us, we will have to turn our mind to performing a strong balancing exercise. On the one hand there is the public interest in disclosing the identity of an informant. On the other hand there are those other interests such as any likely adverse effect either on the informant or on any other person. That includes the journalists and their ethical considerations, other public interest in the communication of facts generally, the ability of the news media to access sources, and the damage that public disclosure of an informant's name when the informant seeks to be kept anonymous would cause to the ability of news media generally to gather information from such sources in the future. The balancing act is not simply a matter of saying, "Yes, there's one and there's the other; let's make a choice of which one we think is preferable." The proposed standing order states that the public interest in disclosure must outweigh those other interests. We must therefore turn our mind to whether those other interests can be outweighed by the public

interest in each particular fact or circumstance. That is a very strong test to be satisfied before disclosure can be ordered. It is an extremely strong test. I would say it is probably above an equivalent legal test such as the balance of probabilities. It is a very strong test that the public interest in disclosure must outweigh the other interests including the interests of the journalist, the informant and the news media generally. I think that is as it should be. As I said earlier, journalists have a strong ethical commitment to protect their sources, and until recent times they have had no legal cover or legal protection for doing so. They have been requesting it for many years, they have finally been given it in legal proceedings, and we are now extending it to parliamentary proceedings. It is a really good step.

Of course, standing order 201(3) lists the sorts of matters that the Council can have regard to, but, again, paragraph (3) is prefaced with the words "without limiting the matters that the Council may have regard to". This is a sort of example list, if you like, rather than an absolutely binding list that we must apply at all times. We must have regard to these matters, but we can have regard to other matters as well. Again, that is a good thing, because we cannot predict the fact circumstances that will come before us before those fact circumstances actually arise.

My learned friend Hon Nick Goiran emphasised in his speech the fact that this is a very fluid area. Of course it is. The legislation that has been introduced—which is similar and, some would say in many cases, almost identical in wording to this standing order—is new. It will be tested. It has already been tested, as Hon Nick Goiran told us in his contribution. He went through very forensically the decision of the judge in that case and highlighted some passages that we can all take heed of if we need to apply this standing order in the future. It is the first case, but I dare say that it will not be the last case. Interestingly, since shield laws have been in place over the past few years, there has been quite a significant shift in the type of people using the courts to access the names of informants of journalists. Traditionally, it has usually been government that has sought disclosure, often in criminal cases. We have seen over the past three or four years, and in both examples that Hon Nick Goiran used in his contribution, that it has been individual private citizens, concerned more about civil litigation or matters that might give rise to civil proceedings than about criminal proceedings, who have attempted to access the names of journalists' sources. There has been a bit of a shift. It goes to show that I think more people will in the future seek the disclosure of the names of journalists' sources.

Hon Ken Travers: So you don't think that the recent decision by Justice Pritchard will actually now see that there won't be as many as there would have been without that decision?

Hon PETER KATSAMBANIS: I will get to that. Hon Ken Travers' interjections are interesting. It goes to show that he, too, is taking an interest in this. I would welcome his contribution on this subject. I will take the interjection about whether I think the decision of Justice Pritchard will discourage people from bringing these actions to seek disclosure. Unfortunately, I do not believe it will and I will explain why. I think the learned judge has done a sterling job. I believe the decision will stand up to scrutiny. I am not an appeal judge. I do not profess in any way to prejudge any possible appeal from this case or any other decision in similar fact circumstances. I think the judge has done a great job. To answer the question of Hon Ken Travers about whether I think it will discourage others, unfortunately, we have seen in so many areas of the law that people believe they need access to these names and they want to use the legal process to get to them. They may well be on difficult legal ground, but I think people will still be prepared to—I will use a colloquialism—roll the dice on this one because the prospect of victory, which is the disclosure of the informant's name, will have such strong either emotional or commercial value to them that they will be prepared to roll the dice. If half a dozen or a dozen decisions follow this path and this reasoning of Justice Pritchard, perhaps that would discourage them. If we have further guidance from appeal courts, that may well discourage them. Unfortunately, my experience tells me that one decision of one single judge in a relatively new area of law will not discourage such actions. That is just my opinion. The proof of the pudding will be in the eating. But, as the member raised it, I thought it was worthwhile at least extrapolating on it.

Hon Nick Goiran: The other interesting thing with that is that the judge has specifically said that the judgement is confined to the facts of this particular case.

Hon PETER KATSAMBANIS: I would say that that is right. It has to be, because all the fact circumstances will be different in every single case. After a while, there might be some similarities in some cases and some differences in others, but based on one case —

Hon Ken Travers: If you look at the test that we are putting in tonight, every case will need to be treated as a separate individual case because of the nature of the circumstances.

Hon PETER KATSAMBANIS: And so it should. But we will be informed by the body of knowledge that forms over this. We will be informed by decisions in this state primarily and we will be informed, at least on some sort of obiter value, by decisions that are made in other jurisdictions. Over time—I hope it is many, many years—we may even be informed by the deliberations that committees have on these matters, if and when they come before us.

As I said before, I was diverted into this area of exploration. Under the standing order, a committee of the Legislative Council or a committee of the Parliament will have to have that balancing exercise about the public interest. It is interesting that the public interest appears on both sides of the test—the public interest in disclosure of identity and the public interest of that general ability of the media to gather information and communicate it to the public. I am paraphrasing standing order 201(2)(b), but I think it is a fair paraphrase. We as parliamentarians and as members of committees will be charged with that duty to weigh up the public interest and see whether the public interest in disclosure outweighs the other interests. Again, I think that is a good thing. It is a good thing that members of Parliament are charged with the responsibility of weighing up the public interest because, after all, we are elected to this place to represent the interest of the public of Western Australia. Who better to weigh up such things as public interest and apply these tests than us? When we apply them, we will come to it with our own personal circumstances. Not all of us are lawyers—I think it is a very good thing that not all of us in this place are lawyers—so not all of us will come to it with some sort of commitment to the principles of legal professional privilege. However, as parliamentarians, we all have a commitment to the principle of parliamentary privilege. I think we will weigh that up very strongly when considering the shield laws and the code of ethics of journalists in relation to the non-revelation of their sources.

We will do a good job. Yes, we will need training and refreshing and to be kept abreast of judicial developments and interpretations as they apply to the analogous legislation that is considered by the court system. But we are not courts. We are not bound by those precedents. We will obviously pay significant attention to them, but we will be considering the interests of the public of Western Australia from a different perspective—from a parliamentary perspective. That, too, is a good thing, because the proceedings in this place and in our parliamentary committees are parliamentary proceedings, not judicial proceedings.

Hon Ken Travers: I would argue that the judicial proceedings will be of limited value. What we pass tonight will be the key substance in any subsequent decisions of the committees.

Hon PETER KATSAMBANIS: I welcome Hon Ken Travers' on-the-record contribution to this debate rather than his contribution by interjection, because he obviously has a great interest in this area. I am not patronising him when I say that it seems from his interjections he has a lot to contribute to this debate, so I will welcome it when I have had my go.

Hon Ken Travers: I'm afraid to say, I think my interjections have exhausted my contribution.

Hon PETER KATSAMBANIS: Repetition does not have to be tedious, Hon Ken Travers. As long as it is not tedious, we are happy to hear it again, but perhaps after my contribution.

I think the proof of the pudding will be in the eating whether judicial interpretations of similar provisions will be of strong or limited probative value. I do not want to prejudge it because to do so would be to take a leap into the unknown. We are introducing this standing order and, hopefully, it will be supported and become part of our standing orders. We need to see how things pan out over time.

I know this provision is important to journalists from my interaction with not only my favourite journalist, my lovely wife, but also my friends who are journalists. I hope the proceedings around the introduction of this standing order and the speeches we make in this place are read by journalists who might be affected by this in due course. That is why, in particular, I put on record my interpretation of the operation of the committee structure in Parliament. I think there is a lack of understanding in the public of the very collegiate and, dare I say, non-partisan manner in which parliamentary committees work almost 100 per cent of the time. The public is well aware of the adversarial nature of Parliament, be it in this place or in the federal Parliament, from the limited things they see in question time, during matters of public importance and issues that are highlighted, some usually by the media, when there is a direct contrast and conflict in opinion between the government of the day and the opposition of the day or between some of the cross benches of the day and either the government or the opposition. What the public are not aware of is that most of the time we are in heated agreement and that most of the time that we sit in parliamentary committees we are in very calm and agreeable agreement; so when it comes to considering the application of this shield protection, or shield law, being envisaged by these standing orders, at a parliamentary level, I would like to placate any fears journalists may have that they will be walking into an adversarial battle between one side of the Parliament and the other side of the Parliament being carried on in a parliamentary committee, and that they would be the meat in the sandwich. If such a fear were held by journalists, it is a legitimate fear based on the limited knowledge that the general public has about how we conduct our affairs in parliamentary committees.

I have been in this place for only a short time, but I have had the privilege of sitting on three parliamentary committees, including the Joint Standing Committee on Audit. I am more than impressed by the very considered and almost non-partisan way committees consider a lot of the issues before them. When it comes to looking at this standing order, it will be in a very collegiate atmosphere and a very considered manner, and the totality of the committee is likely to weigh up the public interest. That should provide a strong level of comfort for any journalist put in the invidious position of seeking the protection of the shield law and then having that rebuttable

presumption considered by a particular parliamentary committee. As I have said on a number of occasions, the proof of the pudding will be in the eating. We cannot presume to know what will come in the future. What we can do is set up a framework. This standing order sets that sort of framework for all our deliberations that come after this standing order is accepted and becomes part of the operation of this place.

Hon Nick Goiran: Can I ask a question while you are on your feet? In your experience what would you say about the integrity of journalists in ensuring that the information that their source provides them is accurate before they run with it, because that is the real issue? People are scared to provide these shields to journalists because it might be misused. I wonder with your experience particularly, maybe even the experience of your wife, whether she might have something to assist us with on that.

Hon PETER KATSAMBANIS: That is a vexed question. A number of issues remain genuine questions. Before I address the point raised by Hon Nick Goiran, because it is a valid point, there is still a slightly ambiguous question that remains—that is, who qualifies to be a journalist under this standing order? Who qualifies to be a journalist for starters? Is it someone who writes an article for a newspaper? We would argue, yes. Is it someone who reports news on the television? Yes. Is it someone who reports news on the radio? Yes. But then we get into the hazier areas. If it is someone who is not a reporter but who is an opinion writer or an opinion conveyer by television, radio, internet or any other medium, are they a journalist, because they are not reporting news but are reporting opinion? What happens when the lines are blurred and someone sometimes reports news and sometimes writes opinion?

Hon Mark Lewis: What about bloggers?

Hon PETER KATSAMBANIS: I will get to that, Hon Mark Lewis. What happens in that honourable space, the very under-appreciated space of blogging, micro-blogging, tweeting, or posting on Facebook? If my teenage kids were here, I am sure they would probably tell me that there are all sorts of other micro spaces out there on the internet that I have not even mentioned. That area is clearly uncertain. It is clearly uncertain whether it applies to all those people or some of those people, and also whether it applies to those people whom it applies to—it sounds like a tautology—all the time or some of the time, whether they are conveying news or opinion. That is all to be tested in the future, which is why I again go back to the starting point that, as custodians of the public interest, we are in a good place to weigh this up. I know that in some of the legislation that has been introduced in various places there have been attempts to define the limits of what a journalist is. I think that in the ever-changing world of journalism, the ever-changing world of online communication and the—to use that word that has gone out of vogue in the past few years but still applies—convergence of news media, to draw an arbitrary line at this point in time would be silly and counterproductive.

I will address the point made by Hon Nick Goiran; that is, the question he posed in relation to—I will paraphrase it, so correct me if I get this wrong, Hon Nick Goiran—whether a journalist, having received confidential information, will then faithfully relay that information or in some way, either deliberately or inadvertently, misconstrue it or mis-convey it.

Hon Nick Goiran: Yes, that is right; but perhaps just before we get to the question, I am mindful of your important point about who exactly is a journalist. The bill that we passed in the thirty-eighth Parliament defines the term "journalist" as follows —

> ***journalist*** means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium;

But, of course, that definition will not find its way into the standing orders.

Hon PETER KATSAMBANIS: That is correct, which is why I say it is a hazy area. I made the point earlier that we are not a court of law. The legislation that has been enshrined in our Evidence Act does not apply under the standing order to —

Hon Michael Mischin: You would expect the Parliament to be informed by that definition.

Hon PETER KATSAMBANIS: Of course we would expect it to be informed by it, but —

Hon Ken Travers: Nothing requires us to be informed by it.

Hon PETER KATSAMBANIS: Again, we have to be informed by it; we do not necessarily have to apply it, Hon Ken Travers. Ipso facto we have to be informed by it because we passed the law in the first place.

I return to the point I made previously about the difficulty with the convergence of media, and the continuing convergence of media. I look at the definition and it says —

> ***journalist*** means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium;

For those of us who are lawyers, as soon as we apply our minds to what has happened in the media over the past 18 years since the World Wide Web took over what was previously a pretty minor world of the internet, and if

we think of what has happened in that time in relation to what a news medium is, we realise that a lawyer or a few lawyers and a judge could have an absolute field day interpreting such words as "engaged", "profession", "journalism", "connection", "publication", "information" and "news medium". All those are words open to interpretation in an ever-changing field, be it a television station, a radio station, a newspaper, an online version of a newspaper or a blog, or a published internet webpage that is not a blog but pretends or purports to be a news-conveying medium; and there are absolutely hundreds of thousands of those. So, the answer is, Hon Nick Goiran and others who have been so interested in this area, that it is hazy; it is something that we will have to turn our minds to again in each individual fact and circumstance.

As people entrusted to protect the public interest, I think we should not bind future legislators, future members of this place or even current members of this place to interpretations that might get outmoded very, very quickly, as we have seen, as I have said, over the past 18 years since 1995 when the browser and the World Wide Web seemed to fire up plurality in media all over the world. Again, that is a good thing and something I support, so why put in artificial barriers when we do not need to?

I return once again to Hon Nick Goiran's very interesting point about a journalist, having been provided with a piece of information from an informant who wishes to remain anonymous, then taking that information and either deliberately or inadvertently misrepresenting it, misconstruing it or misinterpreting it and, therefore, misinforming. That is a very important point. Without that informant providing some clarity, it is almost impossible to test the veracity of the information conveyed.

Hon Mark Lewis: Indeed, is it admissible?

Hon PETER KATSAMBANIS: Hon Mark Lewis, I am going to confine this to parliamentary proceedings, because I do not really want to stray into that area of whether it is admissible in a court of law. In relation to that, I think protections are available in parliamentary proceedings that may not be available in courts of law. One of the things that an aggrieved informant, for want of a better word, could do is seek to provide evidence in camera, on a confidential basis, to a parliamentary committee to clarify or dispute, or whatever the case may be, information that a journalist has used and is trying to invoke the protection of a shield law, because I would imagine that that informant is in an invidious position; that is, when they provided the information, they clearly wanted it to be made public, otherwise they would not have provided it to a journalist. When they provided the information, they also clearly expected anonymity, so if the information comes out not as they expected or not as they conveyed it, they are between a rock and a hard place, too. There is a series of protections. As I said, one is the protection afforded to people who seek to give their evidence to a parliamentary committee in a private hearing. That happens from time to time with parliamentary committees. Parliamentary committees are very experienced in weighing that up and deciding whether they want to provide a private hearing to an individual who seeks, in all sorts of circumstances and for many reasons, their evidence to be provided in camera.

I think there is another important protection. I go back to what I said earlier in my contribution about the ethical framework under which journalists operate and the ethical framework that underpins this concept that we are enshrining in shield laws. It is very, very important. Just as lawyers hold tight to the concept of legal professional privilege and just as parliamentarians treasure parliamentary privilege, so, too, in my experience, do journalists hold tight to this protection. As I said, I have many, many friends who are journalists. Very few write or cover politics, some cover general news, some cover crime and many others cover areas such as sport, but no matter what area of journalism they cover they have a fundamental commitment to that ethical principle of reporting fairly and to the additional ethical principle that we are enshrining in shield laws around the protection of sources who seek anonymity.

[Member's time extended.]

Hon PETER KATSAMBANIS: I thank the house for its indulgence. I was saying that these shield laws are a culmination of a struggle by journalists; it is something for which they have fought for generations. I believe it would take a perverse, rogue element to misuse such laws.

Hon Ken Travers: I don't disagree with you but there is no formal oversight of journalists' ethics as there is in the legal profession, which is one of the interesting questions that will arise out of this.

Hon PETER KATSAMBANIS: I am one of those people who believes that the best way to regulate ethics in any profession is regulation through a peer network. I believe it happens best when one's peers control the ethical framework under which one operates—they draw the boundaries, whether they be sharp or a little blurry, and then "judge" one's performance around that ethical framework. I believe that holds true for lawyers, doctors and accountants. It certainly holds true for members of Parliament, although we have another group of people who also hold us to account; that is, the public every four years, as it should be. I believe in that type of framework for the regulation of standards. In amongst those standards would fall the ethics of a profession. That type of framework—peer regulation—should also be afforded to journalists.

Journalists have struggled to obtain a protection that is not afforded to many other professions. I will draw a comparison. For years the accounting profession has fought and struggled to have professional privilege

recognised in relation to the provision of tax advice. When lawyers provide tax advice, sometimes in exactly the same field, legal professional privilege is attached. That is not the case for accountants in Australia, although in many states of America it is. Accountants have struggled for that. Unfortunately, the previous federal government—the one that was defeated on 7 September—had promised to look into this matter, as it is a federal government area. Unfortunately, it did as it did with so many other things and continued to look into it and disappointed the accounting profession by not introducing privilege to the area of accountants' tax advice. Seeking the same advice from a lawyer would give that advice legal professional privilege. I make the point here that that privilege, in a legal sense, attaches to the client and not to the lawyer, and that is what accountants were seeking. The house would appreciate how important that would be when someone might be up against the extreme power of the Australian Taxation Office in relation to tax advice. Accountants have not been given this great privilege; they have not been given this protection. Journalists have.

Jurisdictions across Australia, including the commonwealth, have decided that this is an area worth providing a form of protection to or shield for. The flip side of that is that journalists who treasure this, have fought for this and have finally won this shield should be the first people out there protecting it. They should be making sure that it is not corrupted or misused. To take the example given by Hon Nick Goiran, one possibly illogical step further but certainly one step further would be a rogue journalist who chooses to concoct a set of fact circumstances and to attribute them to an informant who has sought anonymity. It is a possibility. Again, it goes back to the ethical compass and framework of the individual journalist at first instance. It then goes to the ethical compass and the framework of ethics and standards that any profession chooses to impose on itself. As lawmakers, we reserve a very important right; that is, to revisit this area. If it is used and abused, the ultimate right that we have is to impose non-peer regulation, which I personally would find abhorrent as it would encroach on areas of freedom of speech and freedom of expression. Again, the previous federal government, the one that was defeated a few short weeks ago, dabbled in that space, but it was not very successful. I would hate to go down that path. The other obvious area is for us to deal with areas around the shield laws.

I have expressed before and I will express again that I have great faith in individuals. I have great faith that when we empower people, we give them the opportunity to rise to the occasion and be their best possible selves. Therefore, it is from that framework that I look at things such as these shield laws. I believe that having recognised the concerns of journalists over generations and having validated the struggle that journalists have fought, often with their liberty—there are a number of examples of that—to not only protect their sources but also create a legal framework around which they can protect their sources in a recognised way in courts and tribunals and now in Parliaments, journalists individually and as a profession will rise to the challenge. When people win something hard fought, they want to hold onto it and they realise the best way to hold onto it is to not corrupt it, wreck it or let rogue elements make it run wild. I know many people in the journalism profession who have for many years championed the sorts of protections we are now enshrining for them. I know those people personally; I know they are good people. I know they are people who will treasure what this Parliament and other Parliaments around Australia have given them, so I have great faith that they will not corrupt it. I hope that answer is satisfactory to both Hon Nick Goiran and Hon Ken Travers. I have faith in individuals and I believe that when we empower them, they will make the right decisions.

Going back to new standing order 201, I thank the house for its indulgence. I have gone on a fair bit but it is an area that I know is important to many people. As I said, my wife is a journalist and it is very important to her. I know how she personally believes in the sanctity—that is how journalists frame it—of protecting sources who seek anonymity. Journalists do that not just to protect that individual but because they believe it is a primary weapon in their armoury to collect facts and information and to report those facts and that information so that the public can be properly informed. I know they place great score on it. With not only this motion but also the legislation that preceded it and the legislation in other jurisdictions, finally, the commitment that journalists have to that principle and that code of ethics is being enshrined in law. They no longer have to second-guess and fly by the seat of their pants and hope that either they are not challenged in court, or, if they are challenged, they do not go the same way as the Fairfax journalists in the Liu case that just pre-dates this sort of protection. Journalists do not have to do that anymore; they know that they have a protection. Of course, it is not absolute protection. Legal professional privilege is not an absolute protection either. I am not going to get into the area of parliamentary privilege on that score. But this is not an absolute protection. As I said, it is a strong rebuttable presumption weighing up the public interest of disclosure against the likely effects of disclosure on the identity of the informant and other people and also the public interest in the ability to collate information and disseminate it for the information of the public. That is something our media in Australia does well compared with the situation in so many other places. As politicians, we often take pot shots at the media and members of the public sometimes take pot shots at the media, but to really badly paraphrase Winston Churchill, this could be the worst media we have except when we compare it with media in many other places across the world. Therefore, we should recognise that the media do a really good job, sometimes under difficult circumstances. I think that public interest test is well calibrated. The balance, the presumption, falls on non-disclosure. That is right. The public interest in disclosure has to clearly outweigh any of the issues that point to non-disclosure, including the effect

on the identity of the informant, on the journalist and on communicating information generally. So a very strong high jump bar has to be passed before disclosure is ordered.

Debate adjourned, pursuant to standing orders.

APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2013–14 BILL 2013

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Helen Morton (Minister for Mental Health)**, read a first time.

Second Reading

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [9.47 pm]: I move —

That the bill be now read a second time.

The purpose of this bill is to grant supply and to appropriate sums from the consolidated account required for the recurrent services and purposes for the 2013–14 financial year as detailed in the consolidated account agency information in support of the estimates. Total expenditure is estimated to be $20 478 325 000 of which $2 184 692 000 is permanently appropriated under other statutes, leaving an amount of $18 293 633 000, which is to be appropriated to the services and purposes identified in the schedule to this bill.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does the bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend this bill to the house and table the explanatory memorandum.

[See paper 631.]

Debate adjourned, pursuant to standing orders.

House adjourned at 9.47 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BURRUP PENINSULA — ABORIGINAL HERITAGE SITE 23323

187. Hon Robin Chapple to the Minister for Aboriginal Affairs:

With regard to the Aboriginal interim registered heritage site 23323, Burrup Peninsula, Murujuga, and questions on notice Nos 5024, 5737 and the subsequent question without notice No. 58 of 16 May 2013, I ask:

(a) do any of the following describe the current status of this site:

  (i) a registered site;

  (ii) an interim registered site; and

  (iii) an "other heritage place";

(b) if yes to any of (a)(i), (ii) or (iii), why is it in that category of site;

(c) will the Minister confirm that the Aboriginal Cultural Material Committee (ACMC) determined that site 23323 was a site on 15 August 2011;

(d) if yes to (c), over how many meetings did the ACMC deliberate on this issue;

(e) did the ACMC require and assess further information to assist in their deliberations;

(f) is it correct that section 37(2) authorises the Registrar to administer the operations of the ACMC and "perform such other functions as are allocated to the Registrar by this Act";

(g) is there a section within the *Aboriginal Heritage Act 1972* that includes the ability of any other party other than the Minister, to not accept the recommendations of the ACMC;

(h) who within the Department of Indigenous Affairs (the department) did not accept that the site 23323 was a registered site and decided that there was insufficient information;

(i) in what capacity did that person determine that the ACMC's decision was incorrect;

(j) did that person have the authority to make that decision;

(k) if yes to (j), under what section of the *Aboriginal Heritage Act 1972* did that person make that decision;

(l) if no to (j), will that decision be rescinded;

(m) if no to (l), why not;

(n) in reference to the answer to (8) of question 5024 of 7 March 2012, has the department concluded its work with cultural groups in refining the values and boundaries of site DIA 23323;

(o) if no to (n), why not;

(p) if yes to (n), when will site 23323 appear on the register; and

(q) if no to (n), when will that work be concluded?

Hon Peter Collier replied:

(a) (i) No. (ii) No. (iii) Yes.

(b) Information has been submitted on the place but the Aboriginal Cultural Material Committee (ACMC) is of the opinion that the Aboriginal Heritage Act 1972 (the Act) does not apply to the place.

(c) No. DAA 23323 was discussed by the ACMC on 15 August 2011 in the context of a section 18 application submitted by Main Roads Western Australia and whether the Act applied to that part of the land being applied for.

(d) Not applicable.

(e) Yes. The place was considered by the ACMC at four meetings.

(f) Yes.

(g) No.

(h) No decision was made by the Department of Aboriginal Affairs (DAA). In the context of a section 18 application, DAA conveys the recommendations of the ACMC to the Minister together with DAA's own advice.

(i)–(m) Not applicable.

(n) Yes.

(o) Not applicable.

(p) DAA 23323 will remain on the Aboriginal Heritage Inquiry System under 'other heritage places'.

(q) Not applicable.

ONE ARM POINT — WATER TOWER COLLAPSE

188. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Housing:

I refer to the recent catastrophic collapse of the community water supply tower and tank at One Arm Point, and I ask:

(a) what was the cause of the collapse;

(b) how many other communities have a water tower and tank of similar age and design;

(c) are the tanks inspected on a regular basis;

(d) if no to (c), why not;

(e) if yes to (c), how often;

(f) what steps, if any, have been taken to mitigate risk to other communities in (b) which have these similar water tanks; and

(g) if no to (c), will the Minister order an urgent inspection of all such tanks to minimise the risk of serious injury to any bystanders should another collapse occur?

Hon Ken Baston replied:

The funding of essential services capital works is a Commonwealth responsibility, however, the Department of Housing advises:

(a) The cause of the collapse was a combination of a number of contributing factors which include:

- The age of the tank.
- The climatic conditions that this tank is exposed to (coastal conditions), which increases the potential for corrosion.
- A "weak point", resulting from a historical internal leak within the tank between the tank and the liner causing internal rusting of a welded seam, that was identified during the investigation after the collapse. This leak was not apparent externally.

(b) 14

(c) Yes

(d) Not applicable

(e) Every three years.

(f) On an operational level, urgent operational instructions were provided to the Department's contractors to mitigate potential future risk through a documented process.

(g) Not applicable.

TAXIDRIVERS — IDENTIFICATION

189. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

(1) How many complaints did the Department of Transport receive in 2012 that a taxi driver did not have proper identification on display in their taxi?

(2) How many complaints did the Department of Transport receive in 2012 that a taxi was being operated by an unlicensed driver?

(3) How many investigations did the Department of Transport undertake in 2012 into a taxi drivers not having proper identification on display in their taxi?

(4) What was the outcome of these investigations?

(5) How many investigations did the Department of Transport undertake in 2012 into a taxi being operated by an unlicensed driver?

(6) What was the outcome of these investigations?

Hon Jim Chown replied:

The Department of Transport advises:

(1) 17

(2) One

(3) 17 complaints and 59 on-road compliance actions.

(4) 12 cautions, 53 infringements and 11 no action required.

(5) Two

(6) One investigation resulted in the taxi driver being issued an infringement as the driver was driving under fine suspension and the other investigation resulted in no action as the driver was licensed.

ABORIGINAL HERITAGE SITES — HOLCIM (AUSTRALIA) PTY LTD

191. Hon Robin Chapple to the Minister for Aboriginal Affairs:

With regard to the section 18 notice, dated 23 October 2012, submitted by Holcim (Australia) Pty Ltd (the Landowner) to the Aboriginal Cultural Material Committee (ACMC) pursuant to section 18(2) of the *Aboriginal Heritage Act 1972* (AHA), I ask:

(a) are the sites DIA 26711, DIA 32590, DIA 32589, DIA 32586, DIA 32586, DIA 26712, DIA 32585, DIA 32587, DIA 26713, DIA 32584, DIA 32588 and DIA 32583 to be protected from damage or destruction by Holcim (Australia) Pty Ltd in pursuit of their desires to quarry portions of M47/306, M47/309, M47/331 and M47/353;

(b) if yes to (a), how;

(c) if no to (a), why not;

(d) will the Minister table his grant of consent to Holcim (Australia) Pty Ltd to the use of the land for the purpose subject to conditions;

(e) were all the sites identified to exist in (a) within M47/306, M47/309, M47/331 and M47/353 subject to the section 18 notice and the Minister's subsequent grant of consent to the use of the land;

(f) if no to (e), why not;

(g) if no to (e), will the Minister cause Holcim (Australia) Pty Ltd to include all the sites contained within the quarry portions of M47/306, M47/309, M47/331 and M47/353 as the subject of a section 18 notice;

(h) if no to (g), why not;

(i) given that damage has been sustained by rock art (petroglyphs), by fly rock, during the blasting of rock on the Burrup, what conditions has the Minister placed on blasting activities by Holcim (Australia) Pty Ltd to insure that no damage is sustained to sites CEM1001, CEM1002, CEM1008, CEM1009, CEM1010, CEM1012, CEM1014, CEM1015, CEM1016, CEM1017, CEM1018, CEM1019, CEM1020, CEM1021, CEM1023, CEM1026, CEM1027, CEM1028, CEM1029, CEM1030, CEM1031, CEM1032, CEM1033, CEM1035, CEM1036, CEM1037, CME1037, DIA 32583, DIA 32621, DIA 32622, and DIA 8858 contained within the National Heritage Listed area of the Dampier Archipelago and adjacent to M47/306, M47/309, M47/331 and M47/353, by fly rock or blast effect; and

(j) if none to (i), why not?

Hon Peter Collier replied:

(a)–(c)

Registered Aboriginal Sites	Protected from damage/destruction
DAA 26711	Yes. Will be avoided by the purpose.
DAA 26712	No. Will be salvaged.
DAA 32590	No. Will be salvaged.
DAA 32585	No. Will be partly salvaged.

Other heritage places	Protected from damage/destruction
DAA 32587	No.
DAA 26713	No.
DAA 32583	No.
DAA 32584	No.
DAA 32586	No.

DAA 32588	No.
DAA 32589	No.

Section 5 of the *Aboriginal Heritage Act 1972* (AHA) does not apply to other heritage places. Consultation for the section 18 application was undertaken with three Aboriginal groups, Wong-Goo-Tt-Oo, Yaburara/Mardudhunera and Ngarluma/Yindjibarndi groups who conditionally supported the application.

(d) No.

(e) Yes.

(f)–(h) Not applicable.

(i) None.

(j) DAA 32583 and DAA 32622 are not places to which section 5 of the AHA applies. DAA 32621 is to be avoided by the purpose by agreement between the parties. The other places identified are located outside the Land subject to the notice.

ABORIGINAL HERITAGE SITES — REGISTRATION

192. Hon Robin Chapple to the Minister for Aboriginal Affairs:

I refer to the Minister for Mines reply to question on notice No. 5437, answered on 1 May 2012, in which he states that site Lake Yindarlgooda, Mammu Tjukurrpa registered site 30602 is not a registered site. In the Minister for Mines' reply, he states that "I am informed that before such a site can be registered, the Aboriginal Material Cultural Committee (ACMC) must consult with land owners, which includes the holders of any mining tenement, as defined under the *Aboriginal Heritage Act 1972* (the Act)", and ask:

(a) will the Minister specify under which current provision of the Act this is the case;

(b) will the Minister identify the source of the advice to the Minister for Mines on this matter;

(c) was the advice that the Minister for Mines received accurate;

(d) did Aboriginal custodians request registration of this site:

(i) if so, when; and

(ii) will the Minister tender the relevant correspondence;

(e) what was the initial view of the ACMC on the registration of this site;

(f) did the Aboriginal custodians present evidence to the ACMC and Department of Aboriginal affairs (DAA) supporting the view that the whole of the lake was a 'place of significance' under the terms of the Act;

(g) if yes to (f), what was the nature of this evidence;

(h) was this evidence provided by senior Aboriginal authorities for this area;

(i) what was the view of the ACMC on the evidence provided by custodians;

(j) what decision did DAA come to as to the Aboriginal custodians' view that the whole of the Lake was a site;

(k) if DAA rejected the Aboriginal custodians' view, will the Minister state on what basis their view was rejected;

(l) did DAA's final decision on the registration of this site differ from the view of the ACMC;

(m) was the ACMC advised to reject registration of the site, and if so, by which DAA officer;

(n) if DAA rejected the advice of the ACMC, will the Minister state on what basis their view was rejected;

(o) under what part of the Act can the DAA reject the advice or views of the ACMC;

(p) have the holders of mining tenements covering the lake made any representations to the Minister requesting that the lake not be registered as a sacred site:

(i) if yes to (p), what was the nature, date and source of these representations; and

(ii) if yes to (p), will the Minister tender the relevant correspondence;

(q) have the holders of mining tenements covering the lake made any representations to DAA staff members requesting that the Lake not be registered as a sacred site:

(i) if yes to (q), what was the nature, date and source of these representations; and

(ii) if yes to (q), will the Minister tender the relevant correspondence;

(r) was DAA's decision not to register the site influenced in any way by these representations; and

(s) under what power contained within the Act can the DAA or the Registrar refuse, alter or overturn the decisions of the ACMC?

Hon Peter Collier replied:

(a) There is no expressed provision in the *Aboriginal Heritage Act 1972*. Affording procedural fairness to a person whose interest maybe negatively impacted by the decision is a well understood administrative practice.

(b) The Department of Aboriginal Affairs had previously provided advice to the Department of Mines and Petroleum regarding DAA's common law obligations as to procedural fairness.

(c) Yes.

(d) Yes.

(i) 10 October 2011.

(ii) No.

(e) The initial view of the Aboriginal Cultural Material Committee was that the *Aboriginal Heritage Act 1972* applied to the place.

(f) Yes.

(g) Site recording form, report, opinions and legal submissions.

(h) Yes.

(i) Following consideration of further information, the Aboriginal Cultural Material Committee was of the view that there was insufficient information to support the case that the place is a sacred site.

(j) The Department of Aboriginal Affairs did not make any decision.

(k) Not applicable.

(l) Refer to (j).

(m) No.

(n)–(o) The Aboriginal Cultural Material Committee did not provide advice to the Department of Aboriginal Affairs.

(p) Yes.

(i) Integra Mining Limited by letter dated 28 February 2012 requested that the company and other affected parties be given an opportunity to make a submission in the matter. Aruma Resources Limited by email dated 7 June 2012 regarding the actions of the Goldfields Land and Sea Council.

(ii) No.

(q) Yes.

(i) The Department of Aboriginal Affairs has received representations from companies wanting to better understand the Aboriginal Cultural Material Committee 's processes and find out how the lake in its entirety can be a sacred site pursuant to the *Aboriginal Heritage Act 1972*. Numerous representations and the provision of heritage information about the lake have been provided to the Department of Aboriginal Affairs and the Aboriginal Cultural Material Committee.

(ii) No.

(r) The Department of Aboriginal Affairs did not make any decision.

(s) The Department of Aboriginal Affairs or Registrar did not refuse, alter or overturn the decision of the ACMC. There is no such provision in the AHA.

WORKPLACE SAFETY — AREA C, PILBARA

198. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to the photos and video of a Caterpillar D8T Dozer from WesTrac and Caterpillar 336DL Hydraulic Excavator hired from PHS Pty Ltd in Area C in the Pilbara on the South Flank site on or around 15/16 of April 2011. The photos are located at http://www.robinchapple.com/qdata (titled: South Flank 1, South Flank 2, South Flank 3, South Flank 4) and the accompanying video at http://youtu.be/fx7w9BAdkj4, and ask:

(a) does the Minister consider that using a chain on the 336DL Hydraulic Excavator bucket assembly to attach to the Caterpillar D8T Dozer ripper for lifting purposes, whilst workers were carrying out work on the ripper structure, a safe practice:

(i) if yes to (a), why; and

(ii) if no to (a), what will the Minister do to investigate this matter;

(b) was this matter of unsafe practice brought to the attention of the department:

(i) if yes to (b), when and by whom;

(ii) if yes to (b), what action was taken; and

(iii) if no to (b), why was this matter not brought to the attention of the department; and

(c) was a site supervisor on site at the time:

(i) if yes to (c), was the unsafe practice brought to the attention of that officer; and

(ii) if yes to either (c) or (c)(i), why did the site supervisor allow this unsafe practice to continue?

Hon Ken Baston replied:

(a) Yes

(i) The use of an excavator to lift accessories associated with the equipment is considered normal practice under Australian Standard 1418.8 — 2008 Clause 5.1.

(ii) Not applicable

(b) No

(i)–(ii) Not applicable

(iii) There is no legislative requirement to report this activity under the *Mines Safety and Inspection Act 1994.*

(c) Yes

(i) The supervisor was aware of the use of the procedures depicted.

(ii) The supervisor was satisfied that the necessary job planning was undertaken and appropriate controls were put in place to manage hazards associated with the activity.

These included:

- Verification of equipment manufacturer specifications including safe working load details, the fitting of hydraulic check valves to support lifting activities and the ratings of lifting points/lugs used to support the load.
- Verification that the chains used to support the raised dozer ripper arm were appropriately rated for the lift.
- Provision of appropriate supervision.
- Preparation and completion of a job hazard assessment that detailed the sequence of tasks required to perform the lift and recovery of the dozer.

PILBARA DEVELOPMENT COMMISSION — DR KEN KING

199. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Regional Development:

With reference to Dr Ken King, the CEO of Pilbara Development Commission since January 2013, I ask:

(a) will the Minister please table a list of all flights undertaken by Dr Ken King in relation to his role as CEO of the Pilbara Development Commission, including any commuting to and from his home in Queensland;

(b) will the Minister identify which flights were commercial and which were charter;

(c) will the Minister table a cost breakdown for both commercial and charter flights undertaken by Dr King;

(d) does Dr King have an entertainment budget:

(i) if yes to (d), what is that budget; and

(ii) if yes to (d), will the Minister provide a monthly breakdown of expenditure by Dr King since his appointment;

(e) where is Dr King's office located; and

(f) how much time has Dr King spent in the Pilbara since his appointment?

Hon Ken Baston replied:

(a)–(c) Yes, details are provided for all flights undertaken by Dr King for the period 14 January 2013 to 31 August 2013 [See paper 630.]

(d) No (i)–(ii) Not applicable.

(e) The Pilbara Development Commission has offices in Perth, Karratha and Port Hedland.

(f) In his role as CEO Dr King has travelled extensively on Commission business between the Commission offices; in the Pilbara; and interstate to Sydney, Canberra, Brisbane, Melbourne and Rockhampton. Taking into account public holidays and annual leave there were 140 business days between 14 January 2013 and 314 August 2013. During the period Dr King spent 90 days in the Pilbara.

KARRI FORESTS — REGROWTH

202. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:

(1) At what average age is regrowth karri resulting from clearfelling conducted since 1967 first thinned?

(2) For the year 2012–2013 regarding thinning of regrowth karri resulting from clearfelling conducted since 1967:

(a) what area was thinned;

(b) what volume of logs was extracted;

(c) how much of this volume was:

(i) first and second grade karri sawlogs; and

(ii) chiplogs; and

(d) what was the volume of:

(i) first and second grade karri sawlogs; and

(ii) chiplogs estimated to be extracted from thinnings that year?

Hon Ken Baston replied:

(1) During the period 2004 to 2012 the average age of stands regenerated since 1967 that were first thinned was 30 years.

(2) (a) Silvicultural records are maintained on a calendar (rather than financial) year basis to meet reporting requirements under the Forest Management Plan (FMP) 2004–13. During the 2012 calendar year approximately 586 hectares of regrowth karri regenerated since 1967 was thinned.

(b) The total removals recorded from areas of regrowth karri forest regenerated since 1967 and thinned during 2012 was 72,711 cubic metres. This includes 2,579 cubic metres of yellow stringybark (Eucalyptus muellerana) logs.

(c) (i) 244 cubic metres

(ii) 69,888 cubic metres

(d) (i) A total of 2,020 cubic metres were estimated to be available. Note that the total removals recorded for 2012 is adjusted by the difference between the volume estimated and the actual removal in (c) (i) when monitoring to the allowable cut under the FMP 2004–13.

(ii) 55,928 cubic metres

CORRECTIVE SERVICES — PRISON OFFICERS' ENTERPRISE BARGAINING AGREEMENT

210. Hon Amber–Jade Sanderson to the Attorney General representing the Minister for Corrective Services:

I refer to the Minister's answer to question without notice No. 325, directing me to the Reports on Consultants Engaged by Government on the Department of Premier and Cabinet (DPC) website, and I ask:

(a) is the information sought located in the reports on the DPC website, the most recent being to 30 June 2012, and if not, will the Minister for Corrective Services now provide that information, and if not, why not; and

(b) if the information is located on the website, in which report and on what page?

Hon Michael Mischin replied:

(a) No.

Yes, Consultants have been contracted by the Department of Corrective Services for a range of negotiation services (e.g. preparation, drafting, negotiation of the consolidated, simplified agreement and knowledge transfer) associated with the Prison Officer's Enterprise Bargaining Agreement. The total cost of the contractors engaged for those range of services is $211,517.

(b) Not applicable.

OLD MOWANJUM QUARRY — GROUND WATER

234. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Water:

In relation to the taking of ground water from Old Mowanjum quarry, I ask:

(a) when did the Department of Water first become aware of the exposure and taking of ground water from the Old Mowanjum quarry;

(b) was permission granted or a licence issued to the quarry owners or their contractor by the Department of Water for the exposure, excavation or the taking of ground water from this site;

(c) if yes to (b), on what date;

(d) was the quarry owner or their contractor in breach of section 5c of the *Rights In Water And Irrigation Act 1914* in the period between the answer to (a) and the answer to ;

(e) if yes to (d), was the quarry owner or their contractor asked to desist by the department;

(f) if yes to (e), on what date;

(g) what legal action was taken by the department against the quarry owners or their contractor in the period established between the answer to (a) and the answer to (f);

(h) is the department in breach of section 5c (1)(b) of the *Rights In Water And Irrigation Act 1914* in that it did cause or permit this activity to be done;

(i) if yes to (h), what action has the department taken in respect of its own obligations to comply with section 5c (1)(b) of the *Rights In Water And Irrigation Act 1914*;

(j) has any action or prosecution been undertaken in respect of any answers or matters contained within this question;

(k) if yes to (j), what action was undertaken and on what date;

(l) if no to (j), why not; and

(m) if no to (j), will the Minister undertake to initiate an inquiry into the failure of his department to act on this matter?

Hon Col Holt replied:

(a) The Department of Water (DoW) was notified by a member of the public of the alleged taking of groundwater at the quarry on 31 August 2011.

(b) Yes, a licence was granted to take underground water under section 5C of the *Rights In Water And Irrigation Act 1914*.

(c) 10 May 2013.

(d) Not that the DoW is aware of. On the dates of inspection by DoW, underground water was not being taken, rather the collection of overland flow from this seasonally inundated site was being used by the quarry which does not require a licence (refer to section 5B of the *Rights In Water And Irrigation Act 1914).*

(e)–(f) Not applicable.

(g) None.

(h) No.

(i) Not applicable.

(j) Yes, a licence was issued — see answer (b).

(k) There has been ongoing communication with the Mowanjum Aboriginal Corporation since 6 September 2011 to advise of the requirements of the *Rights in Water and Irrigation Act 1914*; a site

visit by DoW officers occurred on 9 April 2013; and the DoW granted a groundwater licence on 10 May 2013 when the quarrying activities started to intercept underground water.

(l)–(m) Not applicable.

TIMBER INDUSTRY — CONTRACTS

270. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:

(1) Will the Minister please table the following contracts of sale:

(a) Auswest Timbers Pty Ltd, contract numbers 2773, 2770 (A) and any others relating to Auswest Timbers;

(b) Blueleaf Corporation Pty Ltd, contracts numbers 2765, 2771 and any others relating to Blueleaf Corporation; and

(c) Nannup Timber Processing Pty Ltd, contract number 2772 and any others relating to Nannup Timber Processing?

(2) If no to (1), why not?

Hon Ken Baston replied:

(1) (a)–(c) The Minister for Forestry declines to table the contracts of sale requested.

(2) These contracts contain commercially sensitive information.

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